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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 7, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, 7572, 8097, 8559, 9308, 11233, 12157, and 27 F.R. 557, containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(b) is amended by increasing the following basic county support rates:

COLORADO		
County:	Rate per bushel	
	From—	To—
Chaffee	\$0.73	\$0.75
Eagle	.70	.73
Garfield	.70	.73
Mesa	.70	.73
Pitkin	.70	.73

TEXAS		
County:	Rate per bushel	
	From—	To—
Dallam	\$0.94	\$0.95
Hansford	.94	.95
Hartley	.94	.95
Lipscomb	.93	.95
Moore	.94	.95
Ochiltree	.93	.95
Sherman	.94	.95

WASHINGTON		
County:	Rate per bushel	
	From—	To—
Stevens	\$0.93	\$0.95

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1531; Filed, Feb. 14, 1962; 8:45 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 4, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Grain Sorghums Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in

26 F.R. 5107, 5569, 7252, 8413, 9899, and 11233, and containing the specific requirements for the 1961-crop grain sorghums price support program are hereby amended as follows:

Section 421.337(b) is amended by increasing the following basic county support rates:

OKLAHOMA		
County:	Rate per hundredweight	
	From—	To—
Alfalfa	\$1.81	\$1.87
Beaver	1.84	1.86
Cherokee	1.87	1.89
Ellis	1.83	1.86
Grant	1.81	1.82
Harper	1.83	1.85
Major	1.86	1.87
Mayes	1.85	1.89
Wagoner	1.84	1.89
Woods	1.81	1.86
Woodward	1.83	1.86

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1533; Filed, Feb. 14, 1962; 8:45 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 5, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Flaxseed Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 4315, 8413, 12157, 27 F.R. 96, 558, and containing the specific requirements of the 1961-crop flaxseed price support program are hereby amended as follows:

Section 421.583(c) is amended by increasing the following basic county support rates:

MONTANA		
County:	Rate per bushel	
	From—	To—
Blaine	\$2.48	\$2.49
Cascade	2.45	2.49
Chouteau	2.45	2.49
Fergus	2.45	2.49
Glacier	2.45	2.49
Hill	2.45	2.49
Judith Basin	2.45	2.49
Lewis and Clark	2.45	2.49
Liberty	2.45	2.49
Petroleum	2.45	2.49
Pondera	2.45	2.49
Teton	2.45	2.49
Toole	2.45	2.49
Wheatland	2.45	2.49

NORTH DAKOTA

County:	Rate per bushel	
	From—	To—
Barnes	\$2.75	\$2.80
Burleigh	2.70	2.71
Cass	2.77	2.82
Cavalier	2.71	2.73
Dickey	2.75	2.81
Eddy	2.72	2.75
Emmons	2.69	2.72
Foster	2.73	2.76
Grand Forks	2.75	2.81
Griggs	2.75	2.79
Kidder	2.71	2.74
La Moure	2.73	2.78
Logan	2.71	2.75
McIntosh	2.71	2.75
Nelson	2.73	2.77
Pembina	2.72	2.78
Ramsey	2.71	2.73
Ransom	2.76	2.81
Richland	2.78	2.85
Sargent	2.77	2.84
Sheridan	2.70	2.71
Steele	2.76	2.79
Stutsman	2.74	2.77
Trails	2.76	2.81
Walsh	2.73	2.78
Wells	2.71	2.74

(Sec. 4, 62 Stat. 1070 as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714b and c, 7 U.S.C. 1447, 1421)

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ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1532; Filed, Feb. 14, 1962; 8:45 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 6, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5738, 9627, 6703, 9121, 9308, 12157, 12658, 27 F.R. 557, and containing the specific requirements of the 1961-crop rye price support program are hereby amended as follows:

NORTH DAKOTA

County:	Rate per bushel	
	From—	To—
Barnes	\$0.96	\$1.00
Benson	.92	.93
Cass	.98	1.02
Cavalier	.92	.94
Dickey	.96	1.01
Eddy	.93	.96
Emmons	.92	.93
Foster	.94	.97
Grand Forks	.96	1.01
Griggs	.96	.99
Kidder	.93	.95
La Moure	.95	.99
Logan	.93	.96
McIntosh	.93	.96
Nelson	.94	.98

NORTH DAKOTA—Continued

County:	Rate per bushel	
	From—	To—
Pembina	\$0.93	\$0.99
Ramsey	.93	.95
Ransom	.97	1.02
Richland	1.00	1.05
Sargent	.97	1.04
Steele	.97	1.00
Stutsman	.95	.98
Trall	.97	1.01
Walsh	.94	.99
Wells	.93	.95

WASHINGTON

Lincoln	\$1.12	\$1.13
Stevens	1.04	1.07

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

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ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1535; Filed, Feb. 14, 1962; 8:46 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 8, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 7247, 7824, 6697, 7247, 7824, 8963, 10093, 11281, 12157, 27 F.R. 96, 557, and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

COLORADO

County:	Rate per bushel	
	From—	To—
Chaffee	\$1.56	\$1.59
Eagle	1.52	1.56
Garfield	1.52	1.56
Mesa	1.52	1.56
Pitkin	1.52	1.56

MONTANA

Blaine	\$1.60	\$1.62
Cascade	1.58	1.62
Chouteau	1.58	1.62
Fergus	1.58	1.62
Glacier	1.58	1.62
Hill	1.58	1.62
Judith Basin	1.58	1.62
Lewis and Clark	1.58	1.62
Liberty	1.58	1.62
Musselshell	1.61	1.62
Petroleum	1.58	1.62
Pondera	1.58	1.62
Teton	1.58	1.62
Toole	1.58	1.62
Wheatland	1.58	1.62

NORTH DAKOTA

Barnes	\$1.87	\$1.91
Benson	1.82	1.83
Cass	1.88	1.93
Cavalier	1.82	1.85
Dickey	1.87	1.92
Eddy	1.84	1.86
Emmons	1.82	1.83
Foster	1.85	1.88
Grand Forks	1.87	1.92

NORTH DAKOTA—Continued

County:	Rate per bushel	
	From—	To—
Griggs	\$1.86	\$1.90
Kidder	1.83	1.85
La Moure	1.85	1.89
Logan	1.83	1.86
McIntosh	1.83	1.86
Nelson	1.84	1.88
Pembina	1.84	1.89
Pierce	1.81	1.82
Ramsey	1.83	1.85
Ransom	1.87	1.92
Richland	1.91	1.97
Sargent	1.88	1.95
Sheridan	1.82	1.83
Steele	1.87	1.90
Stutsman	1.85	1.88
Trall	1.87	1.92
Walsh	1.84	1.90
Wells	1.83	1.85

WASHINGTON

Stevens	\$1.70	\$1.72
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(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

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ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1536; Filed, Feb. 14, 1962; 8:46 a.m.]

[Livestock Feed Bulletin 1, Rev. 1, Amdt. 2]

PART 475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

PRICE SUPPORT RATE

Section 475.208(c) of the regulations issued by the Commodity Credit Corporation published in 26 F.R. 8271 which contain specific requirements for the continuing Livestock Feed Program is amended to read as follows:

(c) *Price support rate.* As used in paragraphs (a) and (b) of this section "price support rate" shall mean the price support rate, including premiums and discounts established for class, grade and quality, for the county in which the grain is delivered as set forth in the applicable CCC Price Support Bulletin. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and where it is determined to effectuate the purposes of the program, the Deputy Administrator for State and County Operations may authorize delivery of grain in a county other than the county in which the application is filed at the price support rate (including appropriate premiums and discounts) for the county in which the application is filed.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1534; Filed, Feb. 14, 1962; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 877.14]

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices; 1961-62 Crop

Pursuant to the provisions of section 301(c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in Santurce, Puerto Rico, on November 15, 1961, the following determination is hereby issued:

§ 877.14 Fair and reasonable prices for the 1961-62 crop of Puerto Rican sugarcane.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1961-62 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to 96° basis.

(2) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the period January 1, 1962, through December 31, 1962, except that if the Director of the Sugar Division determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net

sugarcane determined for the sugar yield period in accordance with the formula set forth in Schedule A attached hereto and made a part hereof.

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, sugarcane tops, soil, stones, and all other extraneous material.

(8) "Area Office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, as may be agreed upon by the producer and the processor.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the payment shall be not less than the quantity determined by subtracting $3\frac{1}{3}$ pounds of raw sugar from the yield of raw sugar of the producers net sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B attached hereto and made a part hereof.

(c) *Molasses payment.* For each ton of net sugarcane delivered, the processor shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses sold of the 1961-62 crop, and (2) the average production of blackstrap molasses per ton of net sugarcane of the 1961-62 crop processed at each mill. A

processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. The net proceeds shall be determined by subtracting from the average gross sales price the admissible deductions for selling and delivery expenses on molasses in accordance with Schedule C attached hereto and made a part hereof. If a processor has not sold 1961-62 crop molasses by the time he is required to submit to the Area office a statement of the net proceeds from molasses as required by paragraph (g) (2) of this section, he shall make a provisional molasses payment to producers of not less than 75 percent of the net proceeds per gallon realized by other processors in Puerto Rico for 1961-62 crop molasses, as determined by the Director of the Area office. Final settlement with producers shall be made promptly after the 1961-62 crop molasses has been sold, based on the actual price received per gallon and the processor shall promptly submit to the Area office a statement of the net proceeds determined pursuant to paragraph (g) (2) of this section.

(d) *Determination of net sugarcane.* (1) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of the trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. If such percentage exceeds 5 percent, the difference between 100 percent and such excess percentage shall be applied to the gross weight of the sugarcane delivery from which the sample was taken to determine the net weight of such sugarcane, and the same percentage as determined above shall be applied to the gross weight of all other deliveries of sugarcane delivered by that producer during the same day which are estimated to contain trash content reasonably similar to

the delivery from which the sample was taken.

(2) With respect to the sample taken as provided in subparagraph (1) of this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(e) *Sampling charges.* The processor may charge the producer 66 percent of the actual cost, but not to exceed \$2.64, for each sample taken to cover the cost of sampling and measuring the actual quantity of trash. If a separate determination is made of the weight of soil and stones, the cost thereof shall be borne by the processor.

(f) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1962, and shall bear the costs thereof.

(2) When payment is made to the producer by the delivery of raw sugar, the processor shall share with the producer on a pro rata basis all ocean shipping facilities available to the processor.

(3) Allowances made to producers by the processor for the 1960-61 crop shall be made for the 1961-62 crop at the rates which were effective under comparable conditions in 1960-61; the costs of services which were borne by the processor for the 1960-61 crop shall be borne for the 1961-62 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change results in allowances which are fair and reasonable.

(g) *Reporting requirements.* (1) The processor shall submit to the Area office a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that in extenuating circumstances an extension may be granted by the Director of the Area office.

(2) The processor shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than August 1, 1963, except that in extenuating circumstances an extension may be granted by the Director of the Area office.

(h) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1961-62 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1961-62 price determination.* This determination continues the provisions of the 1960-61 crop determination.

A public hearing was held in Santurce, Puerto Rico, on November 15, 1961, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1961-62 crop of sugarcane. The notice of hearing requested witnesses to present their views and recommendations on the following proposal designed to provide a more equitable basis of determining selling and delivery expenses under special enumerated circumstances:

The f.o.b. mill price of raw sugar produced by any processor who markets any of such sugar locally or who refines or processes any of such sugar shall be determined by deducting selling and delivery expenses computed as follows: (1) If the processor sells locally or refines or further processes more than 50 percent of the total quantity of raw sugar produced by the mill the selling and delivery expenses to be applied to all raw sugar produced by such mill shall be the average of the admissible selling and delivery expenses approved by the Area office for all raw sugar produced in Puerto Rico which was delivered to mainland refiners; or, (2) if the processor sells locally or refines or further processes 50 percent or less of the total quantity of raw sugar produced by the mill, the selling and delivery expenses to be applied to all raw sugar produced by such mill shall be the average of the admissible selling and delivery expenses approved by the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

The representative of the Grower-Processor Committee stated that the Committee examined the proposal contained in the hearing notice but had not had enough time to consider its effect on settlements for sugarcane when sugar is sold locally or refined in Puerto Rico, and recommended that the provisions of the 1961-62 crop determination be the same as those for the 1960-61 crop determination. He stated that the Committee did not know of any problems in connection with the method presently used to determine selling and delivery expenses for mills which refine or market sugar locally; that to use the average selling and delivery expenses of all sugar produced in Puerto Rico which was delivered to mainland refiners, might in

some cases be detrimental to the processor or to the growers delivering sugarcane to the processor's mill; and that it would not be equitable to apply average marketing expenses to a section of the Island where the actual expenses may be substantially different. A representative of three processors who refine locally most of their raw sugar production, recommended that the proposal regarding selling and delivery expenses not be adopted. This witness stated that there had not been sufficient time to examine the figures relating to the proposal, but notwithstanding what the figures might show it was felt, on principle, that the proposal would involve a dangerous policy because of differences in cost elements in the different areas; and that to base selling and delivery expenses on an Island-wide average would likely create inequities to the processors and growers affected.

Consideration has been given to the recommendations presented at the public hearing and to other pertinent information. The comparative returns, costs, and profits of producing and processing sugarcane in Puerto Rico, obtained through field survey for a recent year, have been recast in terms of prospective price and production conditions for the 1961-62 crop. Analysis of these data indicates that the provisions of this determination will provide an equitable sharing of total returns from sugar and molasses between producers and processors.

Heretofore, price determinations have provided that in determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses, as approved by the Director of the Area office, may be allowed in lieu of expenses actually incurred. This provision has required considerable administrative discretion by the Area office since it had to make a finding of equivalent selling and delivery expenses in instances where processors were affiliates of a local refinery and had shipped only a portion of their production to the mainland or had not shipped any of their production to the mainland; and such selling and delivery expenses also had to be determined for processors not affiliated with a local refinery who may have transferred all or only a part of their production to such a refinery.

In view of the fact that because of unusual circumstances, the hearing notice was issued just prior to the hearing and the parties did not have sufficient time to adequately study and appraise the impact of the proposal on selling and delivery expenses which would be equitable under current conditions, and in light of the recommendations made at the hearing, the method suggested in the proposal has not been adopted at this time. However, further study of the effects of the proposal should be made by the parties affected during the current year with a view to further consideration of the matter at the next fair price hearing.

On the basis of the examination of all the pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. Sup. 1131)

Signed at Washington, D.C., on February 9, 1962.

ORVILLE L. FREEMAN,
Secretary.

SCHEDULE A

FORMULA FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

$$R = TI (S - 0.3B) F$$

where:

R = Yield of raw sugar, 96° basis;

S = Polarization of the crusher juice obtained from the sugarcane of each producer;

B = Brix of the crusher juice obtained from the sugarcane of each producer;

T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.90075 for sugarcane which contains an amount of trash in excess of 16 percent of the gross weight of sugarcane.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P (where $P = 100S \div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor, $I = 0.9$; or

(b) When the purity, P (where $P = 100S \div B$), of the crusher juice of such sugarcane is less than 75, the factor, $I = 0.9 - 0.02(75 - P)$;

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar", 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula $(S - 0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses on 1961-62 crop raw sugar are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses;

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper; and

(6) An allowance of 7.0 cents per hundredweight of 96° raw sugar, in lieu of the following expenses;

(i) Reclaiming, weighing, and loading at mill or where stored;

(ii) Shore risk, marine and war risk insurance;

(iii) Brokerage or commission and exchange;
 (iv) Weighing, testing, and sampling at destination;
 (v) All other expenses not itemized herein.
 When any of the necessary services included in item (1), (3), (4), or (5) above are furnished by the processor, costs incurred may include for each of the services rendered:

- (1) Direct and immediate supervisory labor;
- (2) Maintenance labor and supplies required for the facilities used;
- (3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;
- (4) Direct supplies; and
- (5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area Office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area Office, may be allowed in lieu of expenses actually incurred.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1961-62 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1961-62 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

- (1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;
 - (2) Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);
 - (3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;
 - (4) Weighing and testing;
 - (5) Wharfage;
 - (6) Shore risk insurance (limited in coverage from mill to shipside);
 - (7) Freight demurrage resulting from causes beyond the control of the shipper;
 - (8) Brokerage paid to a bona fide broker.
- When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:
- (1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service, shall be allowed.

The Director of the Area office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1961-62 crop of Puerto Rican sugarcane.

[F.R. Doc. 62-1585; Filed, Feb. 14, 1962; 8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

EDITORIAL NOTE: In Part 1 of Title 10, Chapter I, of the Code of Federal Regulations (F.R. Doc. 61-12326; 26 F.R. 12730), §§ 1.140 through 1.160 are redesignated §§ 1.240 through 1.260, respectively.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-13]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On August 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6860) stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 538 from Twentynine Palms, Calif., to Los Vegas, Nev., to redesignate intermediate altitude VOR Federal airway No. 1613 from Mission Bay, Calif., to Las Vegas, and to realign low altitude

VOR Federal airway No. 442 from Hector, Calif., to Rice, Calif. It was also stated that the control areas associated with this segment of Victor 538 would extend upward from 700 feet above the surface to the base of the continental control area.

The Department of the Navy objected to the proposed alignment of Victor 538 between Twentynine Palms and Goffs and its reduced width to avoid conflict with R-2501 because of the possibility of en route aircraft inadvertently wandering off course and into the hazardous activities conducted in the extreme southeast corner of R-2501. They requested that this segment of Victor 538 be aligned via the Twentynine Palms VORTAC 038° and the Goffs VOR 200° True radials. This would align the airway further to the east of R-2501 and minimize the chance of en route aircraft penetrating the restricted area and would simplify charting by utilizing the present Victor 208 en route radial from Twentynine Palms.

The Federal Aviation Agency agrees that the airway alignment proposed by the Navy would simplify charting and that penetration of the restricted area could place on aircraft in danger. However, airways are designated for public use over the shortest possible route consistent with special use airspace designations and air traffic control procedures. Route width reductions consistent with safety are applied where necessary. In this instance, it was determined that Victor 538 should be aligned over the shortest route possible to circumvent the restricted area and a reduction in airway width applied only to the extent consistent with safety and to the degree necessary to avoid encroachment on R-2501. In addition, it is the responsibility of the pilot to remain clear of published restricted areas, and when operating on an IFR flight plan, to confine his flight path within the confines of authorized airways.

With regard to Victor 1613, the Navy questioned the requirement for this airway south of Thermal and pointed out that the proposed alignment would conflict with holding airspace requirements at NAS Miramar and that aircraft operating to or from San Diego via this routing would normally be in the low altitude route structure south of Thermal. However, they agreed that if the airway were necessary, the proposed alignment would impose the least penalty on the over-all Navy operations in the San Diego area. In answer to the requirement for Victor 1613 between San Diego and Thermal, Western Airlines operates between San Diego and Las Vegas and American Airlines operates between San Diego and Phoenix. Both operations are conducted via Thermal and will utilize Victor 1613 when designated. In addition, because of traffic density in the San Diego area, provisions must be made for times when en route aircraft would be held at the higher altitudes at or near San Diego. Designation of Victor 1613 to the Mission Bay VORTAC would also improve air traffic service by permitting the use of a minimum of airway numbers in flight planning and traffic control clear-

ances. The Navy offered no objection to the proposed alteration of Victor 442.

The Air Transport Association of America stated that a direct routing of Victor 1613 between San Diego and Thermal would be preferred. However, because of the heavy concentration of jet traffic in the San Diego area and the established traffic patterns, the proposed routing would be in the best interest of maximum safety. They requested that both the Thermal and Twentynine Palms VOR's be eliminated from the airway description as compulsory reporting points, and that if there was a traffic control requirement for one or the other VOR's, then the Goffs VOR should be eliminated. A flight check of Victor 1613 has determined that the 034° and 214° True radials of the Thermal VOR are unstable. However, signal coverage from both the Julian and the Twentynine Palms VOR's are adequate over Thermal. Accordingly, the Thermal VOR will be deleted from the description of Victor 1613 and radials from Julian and Twentynine Palms will be used to align the airway over Thermal. The airway will be reduced, as originally proposed, to a 10 mile width in this segment to minimize conflict with holding procedures at Thermal and Julian for jet aircraft destined for March AFB and Norton AFB. The deletion of either the Twentynine Palms or Goffs VOR's as compulsory reporting points is not feasible at this time. The problem created by the many compulsory reporting points in the intermediate altitude route structure is under consideration by the Federal Aviation Agency and will be the subject of separate action.

The Department of the Air Force offered no objection to the proposed amendments. No other comments were received.

A flight check of the proposed alignment of Victor 442 indicates that this airway would be unsuitable for en route navigation due to unsatisfactory signal reception from the Parker VORTAC, below 14,000 feet MSL, at the site of the relocated Clipper intersection. Accordingly, the proposal to redesignate Victor 442 is withdrawn and a new alignment for this airway will be considered at a later date.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following is added:

§ 600.6538 VOR Federal airway No. 538
(Twentynine Palms, Calif., to Las Vegas, Nev.).

From the Twentynine Palms, Calif., VORTAC via the INT of the Twentynine Palms VORTAC 043° and the Goffs, Calif., VOR 200° radials; Goffs VOR; to the Las Vegas, Nev., VORTAC, excluding the airspace within R-2501.

§ 600.1613 [Amendment]

2. In § 600.1613 (26 F.R. 1079) the text is amended to read: "From the Mission Bay, Calif., VOR 10 mile wide airway via the INT of the Mission Bay VOR 001° and the Julian, Calif., VOR 257° radials; Julian VOR; INT of the Julian VOR 036° and the Twentynine Palms, Calif., VOR 214° radials; Twentynine Palms VOR; 8 mile wide airway to the INT of the Twentynine Palms VOR 043° and the Goffs, Calif., VOR 200° radials; thence via the Goffs VOR; to the Las Vegas, Nev., VOR."

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1538; Filed, Feb. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-42]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3539) stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 503 from Goffs, Calif., to Beatty, Nev. In addition, it was stated that the control areas associated with the proposed segment of Victor 503 would extend upward from 1,200 feet above the surface.

On July 29, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6818) which altered the original proposal. The supplemental notice proposed that the control areas associated with the proposed Victor 503 extend upward from 700 feet above the surface to the base of the continental control area until such time as Amendment 60-21 to Part 60 of the Civil Air Regulations could be applied to the control areas associated with the other airways in the Goffs and Beatty areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and the supplemental notice, Part 600 (14 CFR Part 600) and Part 601 (14 CFR Part 601) are amended by adding the following sections:

§ 600.6503 VOR Federal airway No. 503
(Goffs, Calif., to Beatty, Nev.).

From the Goffs, Calif., VOR to the Beatty, Nev., VOR.

§ 601.6503 VOR Federal airway No. 503 control areas (Goffs, Calif., to Beatty, Nev.).

All of VOR Federal airway No. 503.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1539; Filed, Feb. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-6]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes

The purpose of these amendments to § 602.100 of the regulations of the Administrator is to alter the segments of Jet Routes Nos. 2 and 20 from Crestview, Fla., to Tallahassee, Fla., and the segment of Jet Route No. 41 from Tallahassee, Fla., to Montgomery, Ala.

J-2 and J-20 are presently designated in part from the Crestview VOR via the Marianna, Fla., VOR to the Tallahassee VORTAC. Adequate navigational guidance is provided for J-2 and J-20 between Crestview and Tallahassee via the Crestview VOR 091° and the Tallahassee VORTAC 288° True radials, without the use of the Marianna VOR.

J-41 is presently designated in part from the Tallahassee VORTAC via the Marianna VOR to the Montgomery VORTAC. Adequate navigational guidance is provided for J-41 between Tallahassee and Montgomery via the Tallahassee 288° and the Montgomery VORTAC 144° True radials, without the use of the Marianna VOR.

Accordingly, action is taken herein to delete reference to the Marianna VOR in the descriptions of Jet Routes Nos. 2, 20 and 41 and to substitute therefor the above-mentioned VOR/VORTAC radials. These alterations will eliminate the Marianna VOR from the high altitude route structure, thereby reducing the number of reporting points on these routes and permitting better frequency assignment to other VOR facilities.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In § 602.100 *Jet routes* (26 F.R. 7080, 7081, 8487, 12561) the following changes are made:

1. In Jet Route No. 2 "Marianna, Fla.; Tallahassee, Fla.," is deleted and "INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee;" is substituted therefor.

2. In Jet Route No. 20 "Marianna, Fla.; Tallahassee, Fla.," is deleted and "INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee;" is substituted therefor.

3. In Jet Route No. 41 "Marianna, Fla., Montgomery, Ala.," is deleted and "INT of the Tallahassee 288° and the Montgomery, Ala., 144° radials; Montgomery;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1540; Filed, Feb. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-235]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

The purpose of this amendment to § 602.100 of the regulations of the Administrator is to alter the description of the eastern terminus of Jet Route No. 81.

On December 7, 1961, Airspace Docket No. 60-WA-203 was published in the FEDERAL REGISTER (26 F.R. 11728) with an effective date of January 11, 1962. In part, action taken therein amended § 601.1150 by moving the Wilmington, N.C., control area extension eastward and by changing its description. Action was also taken to designate and redescribe the Barracuda intersection. Jet Route No. 81 has the Barracuda intersection as its eastern limit. However, in the present description of J-81, the Barracuda intersection is located specifically as the intersection of the Orlando, Fla., VOR 071° and the West Palm Beach, Fla., VORTAC 014° radials. This location was changed to the intersection of the Melbourne, Fla., radio range 055° and the Bimini, Bahamas, radio beacon 008° True bearings. Accordingly, action is taken herein to alter the description of J-81 so that this route will terminate at this new location of the Barracuda intersection.

Since this action is minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 602.100 (26 F.R. 7079) is amended as follows: In the description of Jet Route

No. 81, "to the point of INT of the Orlando 071° and the West Palm Beach, Fla., 014° radials." is deleted and "to the INT of the Melbourne, Fla., RR 055° and the Bimini, Bahamas, RBN 008° bearings." is substituted therefor.

This amendment shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1541; Filed, Feb. 14, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8424 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ralph Rupley et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices*: § 13.155-15 *Comparative*; § 13.155-40 *Exaggerated as regular and customary*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*: § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-35 *Fur Products Labeling Act*; § 13.1900 *Source or origin*: § 13.1900-40 *Fur Products Labeling Act*; § 13.900-40 (b) *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Ralph Rupley et al., Houston, Tex., Docket 8424, Sept. 19, 1961]

In the Matter of Ralph Rupley, an Individual Trading as Ralph Rupley, and Carl Stephanow, Individually and as Manager of the Ralph Rupley Concern, and Ralph Rupley, Jr., Individually and as Assistant to the Manager of the Ralph Rupley Concern

Consent order requiring Houston, Tex., furriers to cease violating the Fur Products Labeling Act by failing to label and invoice fur products with the true animal name of the fur used therein, failing to show on invoices the country of origin of imported furs, and failing in other respects to comply with labeling and invoicing requirements; by advertising in newspapers which represented prices of fur products as reduced from usual prices which were in fact fictitious, and contained earlier compared prices without giving the time of the latter; and by failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist is as follows:

It is ordered, That Ralph Rupley, an individual trading as Ralph Rupley or under any other trade name, and Carl Stephanow, individually and as manager of the Ralph Rupley concern, and Ralph Rupley, Jr., individually and as assistant to the manager of the Ralph Rupley concern, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

C. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act;

B. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business;

B. Contains earlier compared prices without giving the time of such earlier compared prices;

C. Misrepresents in any manner the savings available to purchasers of respondents' fur products;

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1525; Filed, Feb. 14, 1962;
8:45 a.m.]

[Docket C-6]

PART 13—PROHIBITED TRADE PRACTICES

Meyer Siegel and Max Siegel & Son

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: § 13.1108-45 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-35 *Fur Products Labeling Act*; § 13.1900 *Source or origin*: § 13.1900-40 *Fur Products Labeling Act*; § 13.1900-40 (a) *Maker or seller*; § 13.1900-40 (b) *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Meyer Siegel trading as Max Siegel & Son, Chicago, Ill., Docket C-6, Oct. 17, 1961]

In the Matter of Meyer Siegel, an Individual Trading as Max Siegel & Son

Consent order requiring a Chicago furrier to cease violating the Fur Products Labeling Act by failing, in labeling and invoicing fur products, to show the true animal name of the fur, the country of origin of imported furs, and when fur was dyed; and to disclose, in labeling, the name of the manufacturer or seller of fur products; and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That Meyer Siegel, an individual trading as Max Siegel & Son or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

3. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth on invoices the item number or mark assigned to a fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1526; Filed, Feb. 14, 1962;
8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4450]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Transactions by an Issuer Not Involving Any Public Offering; Definition

The Securities and Exchange Commission today announced that it has adopted Rule 155 (§ 230.155) under the Securities Act of 1933. The new rule relates to the application of the exemption afforded by section 4(1) with respect to public offerings of convertible securities by or on behalf of any person who purchased such securities directly or indirectly from the issuer in a non-public transaction, or to a public offering of the securities received upon conversion of the securities so placed. Of course, where there is an initial public offering of convertible securities immediate registration is required, in the absence of some exemption, and the rule has no application to such a situation.

A preliminary draft of the rule was published for comment December 2, 1959 in Securities Act Release No. 4162 and in the FEDERAL REGISTER of December 9, 1959 (24 F.R. 9945). A number of comments were received in regard to this draft and were carefully reviewed. A revised draft of the rule was published for comment on July 14, 1960 in Securities Act Release No. 4248 and in the FEDERAL REGISTER of July 21, 1960 (25 F.R. 6927). The comments received in regard to this draft were also considered and the proposed rule was adopted with certain minor clarifying amendments. Reference is made to those releases for a statement of reasons for the rule and its application to various situations.

The new rule defines the phrase "transactions by an issuer not involving any public offering," in Section 4(1) of the Act as not including within the provisions of that exemption certain public offerings of convertible securities or of securities received upon such a conversion. The rule excludes from the quoted exemption two types of public offerings. The first is a public offering of a security, which is immediately convertible into another security of the same issuer, by or on behalf of any person or persons who purchased the convertible security directly or indirectly from the issuer in a non-public transaction. The other type of offering excluded from the quoted exemption is one by or on behalf of any such person or persons of the security acquired upon conversion, unless the person or persons making the public offering are not underwriters within the meaning of that term as defined in section 2(11) of the Act. In determining whether any

such person is an underwriter, the usual statutory tests are to be applied, as in other situations.

In order that intermediate persons who are not connected with any public offering of such securities may not be treated as underwriters, the rule provides that any such intermediate holder of the convertible security or of the underlying security who has not acquired it with a view to its distribution and is not instrumental in making or arranging a public offering is not to be deemed an underwriter for the purpose of the rule. Of course, even though a person is instrumental in making or arranging a public offering of the underlying security, the rule does not apply if the acquisition, retention and disposition of such security are such that the person is not an underwriter within the meaning of the term as defined in section 2(11) of the Act.

Inasmuch as the rule is intended to have only prospective application, provision is made that it shall apply only with respect to convertible securities issued after the effective date of the rule.

The text of the rule, which was adopted pursuant to the Securities Act of 1933, particularly section 19(a) thereof, reads as follows:

§ 230.155 Definition of "Transactions by an Issuer Not Involving Any Public Offering" in section 4(1) of the Act for certain transactions with respect to convertible securities.

(a) The phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Act shall not include (1) any public offering of a convertible security (which at the time of such offering is immediately convertible into another security of the same issuer) by or on behalf of any person or persons who purchased the convertible security directly or indirectly from an issuer as part of a non-public offering of such security, or (2) any public offering by or on behalf of any such person or persons of the security acquired on conversion of a convertible security, unless the security so acquired was acquired under such circumstances that such person or persons are not underwriters within the meaning of section 2(11) of the Act.

(b) The phrase "transactions by any person other than an * * * underwriter" in section 4(1) of the Act shall, in the situations covered in paragraph (a) of this section, be deemed to include transactions by the initial, and any intermediate, holder of the convertible security or of the underlying security who (1) has not acquired the convertible or underlying security with a view to the distribution of either of them, and (2) is not effecting, is not causing to be effected, and has not arranged for, a public offering of either security within the meaning of and subject to paragraph (a) of this section.

(c) This section shall apply to transactions of the character described in paragraph (a) of this section only with

respect to convertible securities issued after February 7, 1962.

(Sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s)

The above rule shall become effective February 7, 1962.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

FEBRUARY 7, 1962.

[F.R. Doc. 62-1555; Filed, Feb. 14, 1962;
8:48 a.m.]

[Release 34-6726]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Application of the Act to Broker-Dealers Engaged in Certain Activities

The Securities and Exchange Commission today made public an opinion of Philip A. Loomis, Jr., Director of its Division of Trading and Exchanges, discussing the application of section 11(d)(1) of the Securities Exchange Act of 1934 to broker-dealers engaged in what has come to be known as "equity funding", "secured funding", or "life funding". In these situations the broker-dealer generally sells redeemable investment company shares (mutual funds) to a customer and then arranges a loan on such shares, the proceeds of the loan to be used to pay the premium on a life insurance policy which is usually sold to the customer at or about the same time. The opinion points out that this activity generally involves a violation of section 11(d)(1) of the Act.

The substance of the opinion follows:

This will refer to your inquiry concerning the application of section 11(d)(1) of the Securities Exchange Act of 1934 to the activities of your broker-dealer client in selling redeemable investment company shares (mutual funds) to customers and then arranging loans on such securities to pay the premium on life insurance which is generally sold to the customer at or about the same time.

You state that the activity (sometimes referred to as "equity funding", "secured funding", or "life funding") ordinarily involves the sale of an insurance policy, which requires an annual or more frequent premium payment, a voluntary program for the purchase of mutual funds at stated intervals during each year, and a loan (collateralized by the securities) used to pay the life insurance premium. The customer is usually required to pledge mutual funds having a collateral value of about 200% of the proposed loan. Thus, if the customer purchases annually \$2,000 of mutual funds under the plan, life insurance premiums of \$1,000 per year will be financed for him. Frequently, the salesman acting for the broker-dealer in the sale of the mutual funds also acts as an agent for the insurance company in the sale of the insurance and arranges the loan for the customer.

Assuming the presence of the necessary jurisdictional elements, section 11(d)(1) of

the Securities Exchange Act makes it unlawful for any person who transacts business both as a broker and as a dealer to effect any transaction in connection with which, directly or indirectly, he extends, maintains or arranges for the extension or maintenance of credit to or for a customer on any non-exempt security which was part of a new issue in the distribution of which he participated within 30 days prior to such transaction. Since, because of the manner in which mutual funds are sold, both the underwriter and the retailing broker-dealer are generally participating in the distribution of a "new issue" within the meaning of section 11(d)(1), any such broker-dealer may not extend credit or arrange for the extension of credit on these securities, even though the proceeds of the loan are to be used to pay the insurance premium.

You have indicated that your client has now organized a wholly-owned subsidiary which would limit its activities to acting solely as a dealer in the sale of mutual funds, and you inquire whether this would eliminate the problem under section 11(d)(1). I doubt that it would; it is difficult for me to see how we could fail to look through the form to the substance of this arrangement.

The credit arrangement referred to above may also pose problems under the provisions of section 7(c)(2) of the Act and Regulation T promulgated by the Board of Governors of the Federal Reserve System. These provisions are applicable to a member of a national securities exchange and any broker or dealer who transacts a business in securities through the medium of any such member. You are aware, however, that any interpretative problems under these provisions would have to be presented directly to the Board of Governors of the Federal Reserve System since they interpret their own regulations.

Since, as you indicated, there may be broker-dealers who may not be aware of the prohibitions applicable to this type of activity, we have recommended to the Commission that it make the substance of this communication the subject of a public release.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

FEBRUARY 8, 1962.

[F.R. Doc. 62-1556; Filed, Feb. 14, 1962;
8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Miscellaneous Amendments

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), §§ 345.1, 345.2, 345.4, 345.14, 345.15, and 345.19 of Part 345 (20 CFR 345.1, 345.2, 345.4, 345.14, 345.15, and 345.19) of the regulations under such act are amended by Board Order 62-17, dated February 1, 1962, to read as follows:

§ 345.1 Statutory provisions.

2. With respect to compensation paid after the month in which this Act was amended in 1959, the rate shall be as follows:

If the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30, of any year, as determined by the Board, is—

\$450,000,000 or more.....	1½
\$400,000,000 or more but less than \$450,000,000.....	2
\$350,000,000 or more but less than \$400,000,000.....	2½
\$300,000,000 or more but less than \$350,000,000.....	3
Less than \$300,000,000.....	3¾

As soon as practicable following the enactment of this Act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year; and in determining such balance as of September 30 of any year, the balance to the credit of the railroad unemployment insurance administration fund as of the close of business on such date shall be deemed to be a part of the balance to the credit of such account. (Section 8(a) of the Railroad Unemployment Insurance Act.)

Notwithstanding the provisions of section 8(a)2 of the Railroad Unemployment Insurance Act, the rate of contribution required to be paid under the Railroad Unemployment Insurance Act by every employer as defined in such Act shall be 4 per centum with respect to compensation as defined in such Act, paid after December 31, 1961, and before January 1, 1964. (Section 5 of the Temporary Extended Railroad Unemployment Benefits Act of 1961.)

The contributions required by this Act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this Act as may be prescribed by Regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this Act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid. Any interest collected pursuant to this subsection shall be credited to the account. (Section 8(g) of the Railroad Unemployment Insurance Act.)

All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the contributions required by this Act: *Provided*, That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor. (Section 8(h) of the Railroad Unemployment Insurance Act.)

*** For the purposes of determining *** the amount of contributions due pursuant to this Act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded. For purposes of determining *** the amount of contributions due pursuant to this Act, employment as a delegate to a national or international convention of a railway labor organization defined as an "employer" *** shall be disregarded if the individual having such employment has not previously rendered service, other than as

The rate with respect to compensation paid during the next succeeding calendar year shall be (percent)—

such a delegate, which may be included in his "years of service" for the purposes of the Railroad Retirement Act. (Section 1(g) of the Railroad Unemployment Insurance Act.)

§ 345.2 Employers' contributions.

The \$400 specified in this section is the maximum compensation per employee per month subject to contributions after May 31, 1959, with respect to services rendered after that date. Maximum compensation amounts subject to contributions, and allocations, for prior periods are shown in § 345.1.

(a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to the following percentages of the amount of compensation paid to any employee for employment on and after July 1, 1939:

	Percent
(1) July 1, 1939 through Dec. 31, 1947----	3
(2) Jan. 1, 1948 through Dec. 31, 1955----	1½
(3) Jan. 1, 1956 through Dec. 31, 1956----	1½
(4) Jan. 1, 1957 through Dec. 31, 1957----	2
(5) Jan. 1, 1958 through Dec. 31, 1958----	2½
(6) Jan. 1, 1959 through May 31, 1959----	3
(7) June 1, 1959 through Dec. 31, 1961----	3¾
(8) Jan. 1, 1962 through Dec. 31, 1963----	4
(9) Each succeeding calendar year, the applicable percentage specified in § 345.1 of these regulations.	

§ 345.4 Employers' reports of compensation of employees.

Each employer shall continue to file with the Board, in accordance with the requirements of § 250.3 of this chapter, as amended, reports of the compensation of each employee, consisting of:

(a) A report of compensation for the calendar quarter on Form BA-3 (or punched tabulating cards in lieu thereof), or a report of compensation for the calendar year on Form BA-3a (or punched tabulating cards or magnetic tape in lieu thereof).

(b) A monthly report of compensation adjustments, on Form BA-4.

(c) A summary of compensation adjustments reported for the quarter, and

(d) Summary reports of compensation for the calendar quarter or calendar year, on Form BA-5.

§ 345.14 Assessment and collection of contributions or underpayments of contributions.

(a) If any employer's contribution is not paid to the Board when due or is not paid in full when due, the Board may, as the circumstances warrant, assess the contribution or the deficiency and interest and penalty, if any (whether or not the deficiency is adjustable as an underpayment).

(b) The amount of any such assessment will be collected, in accordance with the applicable provisions of law. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and

demand, the Board may collect such contribution with such interest and other additional amounts as are required by law, by distraint and sale in the manner provided by law.

§ 345.15 Jeopardy assessment.

(a) Whenever in the opinion of the Board it becomes necessary to protect the interests of the Government by effecting an immediate reporting and collection of an employer's contribution, the Board will assess the contribution whether or not the time otherwise prescribed by law for filing the contribution report and paying such contribution has expired, together with all penalties and interest thereon. Upon assessment, such contribution, penalty, and interest shall become immediately due and payable, and the Board shall thereupon issue immediately a notice and demand for payment of the contribution, penalty, and interest.

(b) The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the Board a bond in an amount equal to the amount with respect to which the stay is desired, and with such sureties as the Board may deem necessary. Such bond shall be conditioned upon the payment of the amount (together with interest thereon) the collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the employer may deposit with the Board bonds or notes of the United States, or bonds or notes fully guaranteed by the United States as to principal and interest, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the Board in case of default to collect or sell such bonds or notes so deposited. Upon refusal to pay, or failure to pay or give bond, the Board will immediately upon issuance of notice and demand for payment proceed to collect the contribution, penalty, and interest. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are authorized by law, by distraint and sale in the manner provided by law.

§ 345.19 Penalty for delinquent or false employers' contribution reports.

(a) *Delinquent reports.* (1) Unless the employer required to file a contribution report establishes to the satisfaction of the Board that a reasonable cause exists for the delinquency, the failure to file such contribution report on or before the due date shall cause a penalty to accrue of 5 percent of the amount of such contribution if the failure is for not more than one (1) month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate.

(2) Every employer filing a contribution report after the due date shall securely attach to the report a signed statement explaining the reason for the

delinquency. This declaration shall become a part of the contribution report and shall be subject to the same penalties for false or fraudulent statements as are described on the face of Form DC-1. Upon receipt of this declaration the Board shall determine whether a penalty for late filing shall be assessed against the employer.

(b) *False reports.* If a fraudulent employer's contribution report is made, the penalty is 50 percent of the underpayment.

(c) *Penalty on net amount.* For the purpose of paragraph (a) of this section the amount of contribution required to be shown on Form DC-1 shall be reduced by the amount of any part of the contribution which is paid on or before the date prescribed for the payment of the contribution and by the amount of any credit against the contribution which may be claimed upon the DC-1.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: February 9, 1962.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 62-1554; Filed, Feb. 14, 1962;
8:48 a.m.]

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Miscellaneous Amendments

Correction

In F.R. Doc. 62-1283, appearing at page 1163 of the issue for Thursday, February 8, 1962, the following correction is made in the undesignated paragraph immediately following § 404.607 (a)(2): The closing clause should read "as though it had been filed in such months." instead of "as through it had been filed in such months."

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

PART 24—THIRD CLASS

PART 96—AIR TRANSPORTATION

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 17.1 [Amendment]

I. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, as published in 26 F.R.

11535-11536 and as amended by 26 F.R. 11903, make the following changes:

A. Delete Military APO numbers 203, 204, and 255 and their accompanying data.

B. Insert in proper numerical order, the following Military APO numbers with their accompanying data:

136.				1 X		1 X
408.		X	X	1 X		
409.		X	X	1 X		
411.		X	X	1 X		
670.		X	X	1 X		
671.				1 X		
679.		X		1 X		1 X
680.		X	X	1 X		
681.		X		1 X		1 X
682.		X		1 X		1 X

C. Amend footnote 14 to read as follows:

¹⁴ Parcels containing merchandise addressed to Dependent Mail Section will not be accepted.

NOTE: The corresponding Postal Manual Part is 127.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

II. In Part 24—Third Class, as published in 26 F.R. 11546-11548, make the following changes:

A. In § 24.2, subdivision (i) of paragraph (b) (3) is amended to show that a manufacturing tolerance of not more than three-sixteenths of an inch is permitted on the address side of articles, so that they may exceed nine inches in length and 12 inches in width, in either dimension, without being subject to the minimum charge for pieces of odd size or form. As so amended, subdivision (i) reads as follows:

§ 24.2 Classification.

(b) *Application of rates.* * * *

(i) The address side exceeds 9 inches in width or 12 inches in length. A manufacturing tolerance of not more than three-sixteenths of an inch in either dimension is allowed.

NOTE: The corresponding Postal Manual section is 134.22c(1).

§ 24.5 [Amendment]

B. In § 24.5 *Nonprofit organizations* make the following changes to show that the approval or denial actions on applications to mail pieces subject to the minimum bulk third-class per piece charge at a reduction of 50 percent has been transferred from local post offices to postal services centers. The procedure in handling appeals to denial actions has not been changed.

1. Amend paragraph (b) to read as follows:

(b) *Applications.* (1) Application on Form 3624, "Application for 50% Postage Discount on Bulk Third-Class Minimum Charge Per Piece Mailings" must be filed by the organization or association at the post office where mailings will be deposited.

(2) *Approval or denial.* The application Form 3624 together with any supporting papers will be sent to the postal services center. Pending a decision, bulk mailings subject to the minimum per

piece charge may be handled in accordance with paragraph (c) of this section. The postmaster at the postal services center will approve or deny the application. The application Form 3624 and any supporting papers will be returned with the decision to the postmaster where the application was filed for notification of the applicant.

(3) *Appeal.* The decision of the postmaster at the postal services center may be appealed by the applicant, in writing, through the local postmaster, to the Bureau of Operations, Classification and Special Services Division. The appeal must be accompanied by the original application and all supporting papers.

2. Delete paragraph (c) and redesignate paragraphs (d) and (e) as paragraphs (c) and (d) respectively.

NOTE: The corresponding Postal Manual sections are 134.52 through 134.54.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4551, 4452, as amended by 73 Stat. 89 (Public Law 86-56))

III. In Part 96—Air Transportation—as published in 26 F.R. 11638-11653, and as amended by 26 F.R. 12218-12220, make the following changes to show that postal personnel at air stop units are required to promptly distribute copies of Forms 2759 to local representatives of air carriers involved in mishandling airmail:

A. Subpart A—Domestic Air Transportation: In § 96.6, amend that part of paragraph (a) which precedes subparagraph (1) to read as follows:

§ 96.6 *Irregularities, deductions, fines, and accidents.*

(a) *Irregularities.* Irregular handling of mail by airline carrier personnel shall be promptly reported on Form 2759, "Report of Irregular Handling of Airmail," by the postal employee who observes the irregularity or who is informed of irregular performance through receipt at a postal unit of the post office accounting copies of Form 2734, "Airmail Exception Record," prepared by the air carrier. See § 96.25. Listed below are the types of irregularities that will be reported.

NOTE: The corresponding Postal Manual section is 531.81.

B. Subpart C—Forms and Procedures for Dispatching Airmail: In § 96.25 amend paragraph (d) to read as follows:

§ 96.25 Form 2759, Report of Irregular Handling of Airmail.

* * *

(d) *Distribution.*—(1) *Reports covering incidents chargeable to carrier.* Distribute copies of Form 2759, where possible, at the close of each tour and in no cases less frequently than once each 24 hours. Send original and first copy to the regional transportation division having jurisdiction over the reporting unit, send the second copy to the local station manager of the carrier concerned, and retain the third copy in files.

(2) *Reports covering incidents not chargeable to carrier.* Staple the first and second copies together and forward them to the regional transportation

division and retain the third copy in files.

NOTE: The corresponding Postal Manual section is 533.741.

(R.S. 161, as amended, sec. 405, 72 Stat. 760; 5 U.S.C. 22, 39 U.S.C. 501, 6301, 6304, 49 U.S.C. 1375)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-1563; Filed, Feb. 14, 1962;
8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 3-75—DELEGATIONS OF AUTHORITY

Subpart B—Delegates and Specific Limitations

PUBLIC HEALTH SERVICE

Section 3-75.6(b), following the introductory text, is amended to read as follows:

§ 3-75.6 Public Health Service.

* * * *

(1) Chief, Supply Branch, Division of Administrative Services.

(2) Director, National Institutes of Health.

(3) Chief, Supply Management Branch, National Institutes of Health.

(4) Head, Research Contracts Section, National Institutes of Health.

(5) Executive Officer, Bureau of State Services.

(6) Assistant Executive Officer, Bureau of State Services.

(7) Chief, Contract Branch, Bureau of State Services.

(8) Chief, Contract Branch, Bureau of State Services, will also exercise the above cited authority for the Bureau of Medical Services and the Office of the Surgeon General through March 31, 1962, unless the authority is revoked earlier.

Dated: February 7, 1962.

RUFUS E. MILES, Jr.,
Administrative Assistant Secretary.

[F.R. Doc. 62-1569; Filed, Feb. 14, 1962;
8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 701—RULES OF PROCEDURE FOR HEARINGS

A new Chapter VII is added to Title 45 of the Code of Federal Regulations. Part 701 thereof reads as follows:

GENERAL

- Sec.
701.1 Hearings; issuance of subpoenas.
701.2 Aid of courts in enforcing subpoenas.
701.3 Oaths and affirmations.

STATUTORY RULES OF PROCEDURE

- Sec.
701.11 Opening statement.
701.12 Copy of rules.
701.13 Attendance of counsel.
701.14 Censure and exclusion of counsel.
701.15 Defamatory, degrading, or incriminating evidence.
701.16 Requests for additional witnesses.
701.17 Release of evidence taken in executive session.
701.18 Submission of written statements.
701.19 Transcripts.
701.20 Witness fees.
701.21 Restriction on issuance of subpoena.

SUPPLEMENTARY RULES OF PROCEDURE

- 701.25 Incorporation of statutory rules.
701.26 Number of Commissioners.
701.27 Approval of hearings.
701.28 Form of subpoenas.
701.29 Issuance of subpoenas.
701.30 Transcripts.
701.31 Time for filing prepared statements.
701.32 Contents of record.
701.33 Interrogation of witnesses.
701.34 Defamatory, degrading, or incriminating evidence.
701.35 Attendance of news media.

AUTHORITY: §§ 701.1 to 701.35 issued under secs. 101-106, 71 Stat. 634-636, as amended; 42 U.S.C. 1975-1975e.

GENERAL

§ 701.1 Hearings; issuance of subpoenas.

Under section 105(f) of Public Law 85-315 (71 Stat. 636; 42 U.S.C. 1975d(f)), the Commission on Civil Rights may hold hearings and issue subpoenas or authorize a subcommittee to hold hearings and issue subpoenas under the following conditions: The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpoenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in §§ 701.20 and 701.21, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

§ 701.2 Aid of courts in enforcing subpoenas.

Section 105(g) of Public Law 85-315 (71 Stat. 636; 42 U.S.C. 1975(g)), provides that in case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the

matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

§ 701.3 Oaths and affirmations.

Section 401 of Public Law 86-315 (74 Stat. 89; 42 U.S.C. 1975d(h)) provides that each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation.

STATUTORY RULES OF PROCEDURE

§ 701.11 Opening statement.

The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

§ 701.12 Copy of rules.

A copy of the Commission's rules shall be made available to the witness before the Commission.

§ 701.13 Attendance of counsel.

Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

§ 701.14 Censure and exclusion of counsel.

The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

§ 701.15 Defamatory, degrading, or incriminating evidence.

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (a) receive such evidence or testimony in executive session; (b) afford such person an opportunity voluntarily to appear as a witness; and (c) receive and dispose of requests from such person to subpoena additional witnesses.

§ 701.16 Requests for additional witnesses.

Except as provided in §§ 701.1 and 701.15, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

§ 701.17 Release of evidence taken in executive session.

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than one year.

§ 701.18 Submission of written statements.

In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

§ 701.19 Transcripts.

Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

§ 701.20 Witness fees.

A witness attending any session of the Commission shall receive \$4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of \$12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of subpoena issued on behalf of the Commission or any subcommittee thereof.

§ 701.21 Restriction on issuance of subpoena.

The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

SUPPLEMENTARY RULES OF PROCEDURE**§ 701.25 Incorporation of statutory rules.**

All the provisions of section 102 of Public Law 85-315, incorporated in §§ 701.11 to 701.21, shall be applicable to and govern the proceedings of all subcommittees appointed by the Commission pursuant to section 105(f) of Public Law 85-315, incorporated in § 701.1.

§ 701.26 Number of Commissioners.

At least two members of the Commission must be present at any hearing of the Commission or of any subcommittee thereof.

§ 701.27 Approval of hearings.

The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to the provisions of § 701.1, must be approved by a majority of the members of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

§ 701.28 Form of subpoenas.

Subpoenas for the attendance and testimony of witnesses or the production of written or other matter shall be issued over the signature of the Chairman of the Commission or the Chairman of a subcommittee.

§ 701.29 Issuance of subpoenas.

Subpoenas may be issued by the Chairman of the Commission or subcommittee, or by the Chairman upon the request of a member of the Commission or subcommittee.

§ 701.30 Transcripts.

An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof. Each witness shall have the right to inspect the record of his own testimony. A transcript copy of his testimony may be purchased by a witness pursuant to § 701.19. Transcript copies of public sessions may be obtained by the public upon payment of the cost thereof.

§ 701.31 Time for filing prepared statements.

Any witness desiring to read a prepared statement at a hearing shall file a copy with the Commission or subcommittee 24 hours in advance. The Commission or subcommittee shall decide whether to permit the reading of such statement.

§ 701.32 Contents of record.

The Commission or subcommittee shall decide whether written statements or documents submitted to it shall be placed in the record of the hearing.

§ 701.33 Interrogation of witnesses.

Interrogation of witnesses at hearings shall be conducted only by members of the Commission or by authorized staff personnel.

§ 701.34 Defamatory, degrading, or incriminating evidence.

If the Commission, or any subcommittee thereof, pursuant to § 701.15, determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall advise such person that such evidence has been given, and it shall afford such person an opportunity to read the pertinent testimony and to appear as a voluntary witness or to file a sworn statement in his behalf.

§ 701.35 Attendance of news media.

Subject to the physical limitations of the hearing room and consideration of the physical comfort of Commission members, staff, and witnesses, equal and reasonable access for coverage of the hearings shall be provided to the various means of communications, including newspapers, magazines, radio, news reels, and television. However, no witness shall be televised, filmed or photographed during the hearing if he objects on the ground of distraction, harassment, or physical handicap.

JOHN A. HANNAH,
Chairman,
Commission on Civil Rights.

[F.R. Doc. 62-1559; Filed, Feb. 14, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

White River National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 2,592 acres or 2 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, bream, crappie, perch and pike; and other minor species permitted by State regulations.

(b) Open season: March 16, 1962, through October 31, 1962.

(c) Daily creel limits: Black bass—10, crappie—20, bream, perch and sunfish—50 each or in aggregate. Other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live bait permitted.

(2) Rowboats, canoes, other type boats and motors are permitted to use refuge waters provided owner identification tags are securely affixed. Boats without tags prohibited.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1962.

JAMES R. FIELDING,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

[F.R. Doc. 62-1552; Filed, Feb. 14, 1962; 8:48 a.m.]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyoming; Correction

In F.R. Doc. 62-329, appearing at page 313 of the issue for Thursday, January

RULES AND REGULATIONS

11, 1962 (27 F.R. 313), paragraph (c) should be changed to read as follows:

(c) Daily creel limits: Trout 6, or 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

Dated: February 9, 1962.

JOHN C. GATLIN,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

[F.R. Doc. 62-1527; Filed, Feb. 14, 1962;
8:45 a.m.]

**Chapter II—Bureau of Commercial
Fisheries, Department of the Interior**

**SUBCHAPTER C—AQUATIC MAMMALS OTHER
THAN WHALES**

**PART 215—ADMINISTRATION OF
THE PRIBILOF ISLANDS**

Landing and Use of Liquor

On page 10640 of the FEDERAL REGISTER of November 14, 1961, there was published a notice of a proposal to amend 50 CFR Part 215 by deleting all of Subpart B thereof which prohibits the landing and use of liquor on the Pribilof Islands. The authority to issue such regulations is vested in the Secretary of the Interior by section 8 of the act of February 26, 1944 (58 Stat. 102; 16 U.S.C. 631h). The purpose of the revision is to respond to a request of the residents of the Pribilof Islands made through their duly elected representatives that control of alcoholic beverages be accomplished by State law and local ordinances rather than by Federal fiat.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed revision. Eight objections from within the State of Alaska and two objections from outside the State were received and carefully considered.

The Department is aware of the fact that indiscriminate use of alcoholic beverages can raise problems in areas such as the islands involved in this determination. It is recognized that the people of the Pribilof Islands are full-fledged citizens of the State of Alaska, and as such have the right of self-determination. Further, in the exercise of such right they have adopted, and are prepared to enforce, ordinances to regulate the possession and use of such beverages. Accordingly, effective on May 15, 1962, Subpart B, Part 215, Title 50, Code of Federal Regulations, is deleted in its entirety.

(58 Stat. 102; 16 U.S.C. 631h)

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 9, 1962.

[F.R. Doc. 62-1551; Filed, Feb. 14, 1962;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of a tolerance of 10 parts per million for residues of 1-naphthyl N-methylcarbamate in or on olives.

The analytical method proposed in the petition for determining residues of 1-naphthyl N-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), with minor modifications.

Dated: February 9, 1962.

ROBERT S. ROE,
Director, Bureau of
Biological and Physical Sciences.

[F.R. Doc. 62-1566; Filed, Feb. 14, 1962;
8:49 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tetradifon; Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Niagara Chemical Division, FMC Corporation, Middleport, New York, proposing the establishment of tolerances for residues of tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone) in or on peppermint and spearmint at 100 parts per million and in or on melons, pumpkins, watermelons, and winter squash at 1 part per million.

The analytical methods proposed in the petition for determining residues of tetradifon are the methods published in the FEDERAL REGISTER of November 16, 1960 (25 F.R. 10891).

Dated: February 9, 1962.

ROBERT S. ROE,
Director, Bureau of
Biological and Physical Sciences.

[F.R. Doc. 62-1567; Filed, Feb. 14, 1962;
8:49 a.m.]

[21 CFR Parts 120, 121]
PESTICIDE RESIDUES; FOOD
ADDITIVES

Ethion; Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), the following notice is issued:

A petition has been filed by Niagara Chemical Division, FMC Corporation, Middleport, New York, proposing the establishment of a tolerance of 2 parts per million for residues of ethion (O,O,O',O'-tetraethyl S,S'-methylene bisphosphorodithioate) in or on lemons, tangelos, and tangerines, and an increase from 1 part per million to 2 parts per million in tolerances for residues of ethion in or on beans, grapefruit, oranges, strawberries, and tomatoes.

The petition also proposes an increase from 5 parts per million to 10 parts per million in the food additive tolerance prescribed in § 121.211 for residues of this pesticide chemical in dehydrated citrus pulp resulting from carryover and concentration of residues in this feed item processed from such citrus fruits.

The analytical methods proposed in the petition for determining residues of ethion are the colorimetric method and enzymatic method published in the FEDERAL REGISTER of August 18, 1959 (25 F.R. 6696). The colorimetric method has been modified by mercuric chloride and sodium hydroxide treatments to eliminate interferences from other phosphorodithioate pesticides. In addition, an infrared method is given.

Dated: February 9, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-1568; Filed, Feb. 14, 1962;
8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 689) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of zoalene in turkey feed at levels of 0.0125 percent to 0.01875 percent for the prevention and control of coccidiosis.

Dated: February 9, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-1565; Filed, Feb. 14, 1962;
8:49 a.m.]

[21 CFR Parts 141a, 141b, 141c,
141d, 141e]

TABLETS OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Proposed Procedure for Testing Disintegration Time

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulation for tests and methods of assay for antibiotic and antibiotic-containing drugs to provide tests for disintegration time for these drugs manufactured in tablet form. It is proposed to effect these amendments as follows:

1. By adding to § 141a.9 *Penicillin tablets* the following new paragraph (c):

(c) *Disintegration time*—(1) *Uncoated tablets*. Proceed as directed in the U.S.P., using simulated gastric fluid test solution. The tablets are satisfactory if they disintegrate within 1 hour.

(2) *Plain coated tablets*. Proceed as directed in the U.S.P. If the tablets have not disintegrated after 30 minutes in the gastric fluid, use simulated intestinal fluid for an additional 30 minutes. The tablets are satisfactory if they disintegrate within 1 hour.

2. By adding to § 141a.16 *Tablets aluminum penicillin* the following new paragraph (c):

(c) *Disintegration time*. Proceed as directed in § 141a.9(c).

3. By adding to § 141a.64 *Penicillin-streptomycin tablets* * * * the following new paragraph (c):

(c) *Disintegration time*. Proceed as directed in § 141a.9(c).

4. By adding to § 141a.70 *Tablets benzathine penicillin G and crystalline penicillin* the following new paragraph (c):

(c) *Disintegration time*. Proceed as directed in § 141a.9(c).

5. By adding to § 141a.84 *Tablets benzathine penicillin G and penicillin V* the following new paragraph (c):

(c) *Disintegration time*. Proceed as directed in § 141a.9(c).

6. By adding to § 141a.101 *Phenethicillin potassium (potassium α-phenoxyethyl penicillin) tablets* the following new paragraph (c):

(c) *Disintegration time*. Proceed as directed in § 141a.9(c).

7. By adding to § 141b.109 *Streptomycin tablets* the following new paragraph (c):

(c) *Disintegration time*. Proceed as directed in § 141a.9(c).

8. By adding to paragraph (a) of § 141b.112 *Streptomycin-polymyxin-bacitracin tablets* the following new subparagraph (3):

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

9. By adding to § 141b.136 *Streptomycin-polymyxin tablets* * * * the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

10. By adding to § 141c.207 *Chlortetracycline tablets* * * * the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

11. By redesignating paragraph (a) (1) of § 141c.225 *Tetracycline hydrochloride-nystatin tablets* as subparagraph (2) and by adding to paragraph (a) a new subparagraph (3):

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

12. By adding to § 141c.228 *Tetracycline hydrochloride-neomycin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

13. By adding to § 141c.238 *Tablets tetracycline hydrochloride and novobiocin* the following new paragraph (d):

(d) *Disintegration time.* Proceed as directed in § 141a.9(c).

14. By adding to § 141d.310 *Chloramphenicol tablets* the following new paragraph (d):

(d) *Disintegration time.* Proceed as directed in § 141a.9(c).

15. By adding to § 141e.403 *Bacitracin tablets* * * * the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

16. By adding to paragraph (a) of § 141e.410 *Bacitracin-neomycin tablets* * * * the following new subparagraph (3):

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

17. By adding to § 141e.412 *Bacitracin-polymyxin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

18. By adding to § 141e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room

5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: February 8, 1962.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 62-1548; Filed, Feb. 14, 1962;
8:47 a.m.]

[21 CFR Parts 146a, 146b, 146c, 146d, 146e]

TABLETS OF ANTIBIOTIC AND ANTI- BIOTIC-CONTAINING DRUGS

Proposed Requirements for Dis- integration of Tablets

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulation for certification of antibiotic and antibiotic-containing drugs to require specified disintegration time for these drugs manufactured in tablet form. It is proposed to effect these amendments as follows:

1. It is proposed that § 146a.17 be amended as follows:

a. By changing paragraph (a) to read:

§ 146a.17 *Phenethicillin potassium (potassium α-Phenoxyethyl penicillin) tablets.*

(a) *Standards of identity, strength, quality, and purity.* Phenethicillin potassium tablets are tablets composed of phenethicillin potassium, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, with or without one or more suitable analgesic substances, antihistaminics, and vasoconstrictors. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1.5 percent. Tablets not exceeding 15 millimeters in diameter or not intended only for preparing solutions shall disintegrate within 1 hour. The phenethicillin potassium conforms to the requirements of § 146a.16(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed by such official compendium.

b. By changing paragraph (d) (2) (i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(a) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that

the quantities tableted during the intervals are approximately equal.

(b) For disintegration time: 6 tablets.

d. By changing paragraph (e) (1) to read:

(1) \$0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) (a) of this section; \$3.00 for all tablets submitted in accordance with paragraph (d) (3) (i) (b) of this section; \$5.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) of this section; \$4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (iii) of this section.

§ 146a.27 [Amendment]

2. It is proposed to amend § 146a.27 *Penicillin tablets* as follows:

a. By inserting in paragraph (a) the following new sentence between the fifth and sixth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d) (2) (i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(a) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(b) For disintegration time: 6 tablets.

d. By amending paragraph (e) (1) to read:

(1) \$0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) (a) of this section; \$3.00 for all tablets submitted in accordance with paragraph (d) (3) (i) (b) of this section; \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (iii) of this section.

§ 146a.34 [Amendment]

3. It is proposed to amend § 146a.34 *Tablets aluminum penicillin* as follows:

a. By inserting in paragraph (a) the following new sentence between the fourth and fifth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d) (2) (i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(a) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, col-

lected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(b) For disintegration time: 6 tablets.

d. By amending paragraph (e) (1) to read:

(1) \$0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) (a) of this section; \$3.00 for all tablets submitted in accordance with paragraph (d) (3) (i) (b) of this section; \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

§ 146a.88 [Amendment]

4. It is proposed to amend § 146a.88 *Penicillin-streptomycin tablets* * * * by changing paragraph (b) (1) to read as follows:

(1) \$1.00 for each tablet submitted in accordance with the requirements of § 146a.27(d) (3) (i) (a).

§ 146b.104 [Amendment]

5. It is proposed to amend § 146b.104 *Streptomycin tablets; dihydrostreptomycin tablets* as follows:

a. By inserting in paragraph (a) the following new sentence between the fourth and fifth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d) (2) (i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d) (3) (i) to read:

(i) The batch:
(a) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(b) For disintegration time: 6 tablets.

d. By amending paragraph (e) (1) to read:

(1) \$0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) (a) of this section; \$3.00 for all tablets submitted in accordance with paragraph (d) (3) (i) (b) of this section; \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

§ 146b.107 [Amendment]

6. It is proposed to amend § 146b.107 *Streptomycin-polymyxinbacitracin tablets* as follows:

a. By inserting in paragraph (a) the following new sentence between the third and fourth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d) (2) (i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(a) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(b) For disintegration time: 6 tablets.

d. By amending paragraph (e) (1) to read:

(1) \$1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) (a) of this section; \$3.00 for all tablets submitted in accordance with paragraph (d) (3) (i) (b) of this section; \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section.

§ 146c.207 [Amendment]

7. It is proposed to amend § 146c.207 *Chlortetracycline hydrochloride tablets* * * * by adding to paragraph (a) the following new sentences: "In addition to the requirements prescribed by § 146c.204, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for disintegration-time studies shall be \$3.00."

§ 146c.225 [Amendment]

8. It is proposed to amend § 146c.225 *Tetracycline hydrochloride-nystatin tablets* by adding thereto the following sentences: "In addition to the requirements prescribed by § 146c.224, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for disintegration-time studies shall be \$3.00."

§ 146c.228 [Amendment]

9. It is proposed to amend § 146c.228 *Tetracycline hydrochloride - neomycin tablets* as follows:

a. By adding to paragraph (a) the following new sentence: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (c) to read:

(c) In addition to complying with the requirements of § 146c.204(d), a person who requests certification of a batch shall submit with his request a statement showing the number of milligrams of tetracycline hydrochloride and neomycin in each tablet of the batch, the batch mark, and, if required by paragraph (a) of this section, disintegration

time, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch, and a sample of 6 tablets for disintegration-time studies.

c. By amending paragraph (d) to read as follows:

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(1) \$1.00 for each tablet submitted in accordance with the requirements of § 146c.204(d) (3) (i).

(2) \$3.00 for all tablets submitted for disintegration-time studies in accordance with paragraph (c) of this section.

§ 146c.238 [Amendment]

10. It is proposed to amend § 146c.238 *Tablets tetracycline hydrochloride and novobiocin* as follows:

a. By changing paragraph (b) to read:

(b) The moisture content of the tablets is not more than 6 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour.

b. By changing paragraph (d) to read:

(d) In addition to complying with the requirements of § 146c.204, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, and if required by paragraph (b) of this section, disintegration time, and (unless previously submitted) the results and the date of the latest tests and assays of the novobiocin used in making the batch for potency, toxicity, pH, crystallinity, and moisture. He shall submit a sample of 6 tablets for disintegration-time studies. He shall also submit in connection with his request (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the novobiocin used in making the batch.

c. By changing paragraph (e) to read:

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(1) \$1.00 for each tablet submitted in accordance with the requirements of § 146c.204(d) (3) (i).

(2) \$3.00 for all tablets submitted for disintegration-time studies in accordance with paragraph (d) of this section.

§ 146d.310 [Amendment]

11. It is proposed to amend § 146d.310 *Chloramphenicol tablets* by adding thereto the following sentences: "In addition to the requirements prescribed by § 146d.302, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who

requests certification shall submit for disintegration-time studies results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for the disintegration-time studies shall be \$3.00."

§ 146e.403 [Amendment]

12. It is proposed to amend § 146e.403 *Bacitracin tablets* * * * as follows:

a. By changing paragraph (a) to read:

(a) *Standards of identity, strength, quality, and purity.* Bacitracin tablets, zinc bacitracin tablets, and bacitracin methylene disalicylate tablets are tablets composed of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate, with or without kaolin and pectin and with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, and with or without a suitable amebicidal agent. The potency of each tablet is not less than 1,000 units nor more than 10,000 units. Its moisture content is not more than 5 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. The bacitracin used conforms to the standards prescribed therefor by § 146e.401(a), except § 146e.401(a) (2), (4), and (8). The zinc bacitracin used conforms to the requirements of § 146e.418(a). The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

b. By changing paragraph (d) (2) (i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(a) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(b) For disintegration time: 6 tablets.

d. By amending paragraph (e) (1) to read:

(1) \$0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) (a) of this section; \$3.00 for all tablets submitted in accordance with paragraph (d) (3) (i) (b) of this section; \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section.

§ 146e.426 [Amendment]

13. It is proposed to amend § 146e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary* as follows:

a. By changing paragraph (a) to read as follows:

(a) Each tablet shall contain not less than 150 units of bacitracin activity and not less than 15 milligrams of streptomycin activity. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour.

b. By changing paragraph (c) to read as follows:

(c) In lieu of the directions for sampling the batch as prescribed in § 146e.417(d) (3) (i), the batch shall be sampled as follows:

(1) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(2) For disintegration-time studies: 6 tablets.

c. By amending paragraph (d) to read:

(d) The fees for the services rendered with respect to the tablets submitted in accordance with the requirements prescribed therefor by paragraph (c) of this section shall be:

(1) \$1.00 for each tablet submitted in accordance with paragraph (c) (1) of this section.

(2) \$3.00 for all tablets submitted in accordance with paragraph (c) (2) of this section.

Any interested person may, within 30 days from the publication of this notice in the *FEDERAL REGISTER*, submit written views and comments on these proposed amendments. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

Dated: February 8, 1962.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 62-1549; Filed, Feb. 14, 1962;
8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Small Business Investment Companies and Copyright Royalties; Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under sections 533, 542 through 544, and 553 of the Code, relating to small business investment companies and copyright royalties for purposes of personal holding company tax, was published in the *FEDERAL REGISTER* for January 4, 1962.

A public hearing on the provisions of this proposed amendment to the regula-

tions will be held on Thursday, March 8, 1962, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T.P., Washington 25, D.C., by March 5, 1962.

[SEAL]

MAURICE LEWIS,
Director, Technical Planning
Division, Internal Revenue
Service.

[F.R. Doc. 62-1584; Filed, Feb. 14, 1962;
8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-100]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 600 and Part 601 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 291 extends from Drake, Ariz., to Tuba City, Ariz. The FAA has under consideration the revocation of this airway and its associated control areas. A recent traffic survey indicated no Instrument Flight Rules traffic on this airway during the most active day in the Phoenix, Ariz., center area for the period between July 1, 1960-June 30, 1961. It would appear, therefore, that retention of this airway is unjustified as an assignment of airspace. Further, it appears that the area between Drake and Tuba City is adequately served by VOR Federal airways Nos. 257 and 210 on which the minimum en route altitude is lower.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1537; Filed, Feb. 14, 1962;
8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SPOKANE INDIAN RESERVATION

Transfer of Land Records to Portland Area Office

FEBRUARY 9, 1962.

In accordance with 25 CFR Part 120, notice is hereby given that all title source documents and land records pertaining to trust or restricted Indian-owned lands on the Spokane Indian Reservation in the State of Washington have been transferred from the City of Washington to the Portland Area Office, Bureau of Indian Affairs, 1002 NE. Holliday Street, Portland 8, Oregon.

Effective February 15, 1962, the Portland Area Office will be the office for the maintenance of records for all trust and restricted lands so designated.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 62-1553; Filed, Feb. 14, 1962;
8:48 a.m.]

Bureau of Land Management

[Colorado 027174]

COLORADO

Order Providing for Opening of Public Lands

Pursuant to authority delegated to me by the Colorado State Director, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), the following described lands reconveyed to the United States in exchange of land made under the provision of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 47 N., R. 10 W.,
Sec. 5, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, SE $\frac{1}{4}$;
Sec. 7, NE $\frac{1}{4}$.
T. 47 N., R. 11 W.,
Sec. 1, Lots 2 and 3.

The area described totals 519.32 acres of public lands.

The lands are about twelve miles southwest of Montrose, Colorado. They are moderately rolling bench lands, cut by a series of northeast trending shallow canyons. The soils are heavy silt loam with numerous rock outcrops, and support oakbrush and sagebrush.

The public land affected by this order is hereby restored as of 10:00 a.m., on March 15, 1962, to the operation of the public land laws subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

The mineral resources affected by this order are hereby restored to the operation

of the mining and mineral leasing laws of the United States beginning at 10:00 a.m., on March 15, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 722 Gas & Electric Building, 910 15th Street, Denver 2, Colorado.

HAROLD T. TYSK,
Chief, Lands and Minerals.

FEBRUARY 7, 1962.

[F.R. Doc. 62-1570; Filed, Feb. 14, 1962;
8:50 a.m.]

[Classification No. 36]

COLORADO

Small Tract Classification

1. Pursuant to authority delegated to me by the Colorado State Director, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), I hereby classify the following described public lands, totalling 366.05 acres in Mesa County, Colorado, as suitable for disposition under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

UTE MERIDIAN, COLORADO

T. 1 S., R. 1 W.,
Sec. 27, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, Lots 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14,
17, 18, 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 366.05 acres which have not been subdivided into small tract.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. There are no preference right applications as provided for by 43 CFR 257.5.

HAROLD T. TYSK,
Chief, Lands and Minerals.

FEBRUARY 6, 1962.

[F.R. Doc. 62-1571; Filed, Feb. 14, 1962;
8:50 a.m.]

[Classification No. 37]

COLORADO

Small Tract Classification

1. Pursuant to authority delegated to me by the Colorado State Director, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), I hereby classify the following described public lands, totalling 40.38 acres in Mont-

rose County, Colorado, as suitable for disposition under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 47 N., R. 6 W.,
Sec. 30, Lot 2.

Containing 40.38 acres which have not been subdivided into small tracts.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. There are no preference right applications as provided for by 43 CFR 257.5.

HAROLD T. TYSK,
Chief, Lands and Minerals.

FEBRUARY 7, 1962.

[F.R. Doc. 62-1572; Filed, Feb. 14, 1962;
8:50 a.m.]

[Classification No. 205]

NEVADA

Small Tract Classification; Amendment

Effective February 7, 1962, paragraph 1 is hereby amended to read as follows:

1. Pursuant to authority delegated by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 300 acres in Ormsby County, Nevada as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 20 E.,
Sec. 14, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Containing 300 acres of which 5 acres are covered by one application from a person entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. The one valid application, filed prior to February 7, 1962, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of Lands
and Minerals Management.

FEBRUARY 7, 1962.

[F.R. Doc. 62-1573; Filed, Feb. 14, 1962;
8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

Delegation of Authority

General. In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

Delegation. Any member of an Agricultural Stabilization and Conservation State committee, and any member of an Agricultural Stabilization and Conservation county committee within the State to whom the authority is redelegated in writing by the chairman or acting chairman of the State committee, may sign or countersign Commodity Credit Corporation sight drafts or Commodity Credit Corporation certificates properly issued pursuant to any program administered by the Agricultural Stabilization and Conservation State committees and Agricultural Stabilization and Conservation county committees in which the use of such drafts or certificates is prescribed.

The State Executive Director or acting Executive Director of any Agricultural Stabilization and Conservation Service State office, and any employee of the State office to whom the authority is redelegated in writing by the Executive Director or acting Executive Director, may sign or countersign Commodity Credit Corporation sight drafts or Commodity Credit Corporation certificates properly issued pursuant to any program administered by the Agricultural Stabilization and Conservation State committees and Agricultural Stabilization and Conservation county committees in which the use of such drafts or certificates is prescribed.

Redelegations. Redelegations issued by the chairman or acting chairman of the State committee to members of county committees shall remain in effect until revoked in writing by the chairman or acting chairman or until the term of the county committee member expires. Redelegations issued by the State Executive Director or acting Executive Director to employees of the State office shall remain in effect until revoked by the State Executive Director or acting Executive

Director or until the employee is separated from his position in the office.

Revocation of delegation of authority. Delegation of authority, issued March 27, 1958 (23 F.R. 2130), with respect to signing or countersigning of Commodity Credit Corporation sight drafts and Commodity Credit Corporation certificates is hereby revoked. All redelegations of authority issued to county committee members pursuant thereto shall remain in effect until revoked in writing by the chairman or acting chairman of the State committee or until the term of the county committee member expires. All redelegations of authority issued to employees of State offices pursuant thereto shall remain in effect until revoked in writing by the Executive Director or acting Executive Director of the State office or until the employee is separated from his position in the office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Date of signature: February 8, 1962.

Effective date of authority: Date of publication.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1530; Filed, Feb. 14, 1962;
8:45 a.m.]

Office of the Secretary WYOMING

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Washakie County, Wyoming, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1586; Filed, Feb. 14, 1962;
8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary PUBLIC HEALTH SERVICE

Statement of Organization and Delegations of Authority

Part 4 of the Statement of Organization and Delegations of Authority of the

Department (22 F.R. 1049; 26 F.R. 6660), as amended, is hereby further amended:

1. By deleting subparagraph (2) of section 4.20(a) and renumbering subparagraphs (3) through (10) inclusive as subparagraphs (2) through (9) respectively.

2. By revising section 4.20(b) to read as follows:

B. The Surgeon General shall also exercise:

1. The functions relating to vital statistics which were transferred to the Federal Security Administrator by section 2 of Reorganization Plan No. 2 of 1946 and thereafter transferred to the Secretary by section 5 of Reorganization Plan No. 1 of 1953.

2. The functions relating to Freedmen's Hospital which were transferred to the Federal Security Administrator by section 11(b) of Reorganization Plan No. IV (1940) and thereafter transferred to the Secretary by section 5 of Reorganization Plan No. 1 of 1953.

3. The functions vested in him by law not expressly referred to by this chapter.

4. Subject to general policy guidance from the Office of the Secretary (See Chapter 1-925), all program operating functions vested in the Secretary by the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1961 except:

(a) The making of regulations authorized by section 10(a),

(b) The making of annual reports on the establishment and maintenance of research fellowships required by section 4(a) (4),

(c) All functions set out in section 8 (c), (d), (e), and (f), and

(d) The designation of the Chairman of the Water Pollution Control Advisory Board under section 7.

5. Such authority under the Public Health Service Act and other legislation as may be delegated by the Secretary.

Dated: February 7, 1962.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-1550; Filed, Feb. 14, 1962;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-134]

AMERICAN EXPORT LINES, INC., AND ISBRANDTSEN STEAMSHIP CO., INC.

Notice of Application and of Hearing

Notice is hereby given of the application of American Export Lines, Inc., and Isbrandtsen Steamship Company, Inc., for written permission (to be made applicable to the latter in the event of award to said Company of an operating-differential subsidy contract), of the Maritime Subsidy Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit American Export Lines' associate, Isbrandtsen Company, Inc., to expand

its Eastbound Intercoastal Service (operated in conjunction with its Eastbound Round-the-World Service), to permit its vessels operating in said service to carry refined sugar in bulk in containers from Puerto Rico to the ports of Baltimore, Philadelphia, and New York. This application may be inspected by interested parties in Room 3063, General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

A hearing on the application has been set for February 26, 1962, at 10:30 a.m., in Room 3059, of the General Accounting Office Building. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on February 23, 1962, notify the Secretary, Maritime Administration, in writing, in triplicate, and file petition for leave to intervene which petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, petitions for leave to intervene received after the close of business on February 23, 1962, will not be granted in this proceeding.

Dated: February 13, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-1605; Filed, Feb. 14, 1962;
8:52 a.m.]

Office of the Secretary
WALLACE H. ADAMSON
Statement of Changes in
Financial Interests

In accordance with the requirements of Section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of January 30, 1962.

WALLACE H. ADAMSON.

JANUARY 30, 1962.

[F.R. Doc. 62-1564; Filed, Feb. 14, 1962;
8:49 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 14251; FCC 62-144]

AMERICAN TELEPHONE AND
TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone and Telegraph Company, Docket No. 14251; regulations and charges for TELPAK services and channels.

1. The Commission has before it Tariff F.C.C. No. 250 of the American Telephone and Telegraph Company (AT & T), as amended and successive issues thereof, applicable to TELPAK services and channels, as well as the record to date in the above-captioned proceeding, including (a) Order of the Commission, released September 8, 1961, instituting an investigation and designating a hearing regarding such tariff and suspending the effectiveness of the August 3, 1961 revisions for a three month period commencing September 8, 1961, (FCC 61-1039, Mimeo No. 9429, 26 F.R. 8607), (b) Petition for Modification of ["(a)"] Order, filed September 19, 1961, by AT & T, (c) Petition for Reconsideration, filed September 21, 1961, by Aeronautical Radio, Inc. (ARinc), (d) Suggested Clarification and Resettlement of Hearing Order, filed September 29, 1961, by the NAM Committee of Manufacturers Radio Use and the American Trucking Associations, Inc. (NAM-ATA), (e) Oppositions thereto by Western Union Telegraph Company, Motorola, Inc. and the Common Carrier Bureau, and (f) Replies by AT & T and ARinc. The instant petitions seek modification of the designation Order ((a) ante) and the procedures contemplated thereunder.

2. Petitioners' prime objection relates to the statement in the designation Order that, " * * * the examiner * * * shall certify the record to the Commission for decision without * * * an Initial or Recommended Decision," requesting its deletion so that the Hearing Examiner be required to prepare a decision, contending that according to past Commission practice—apparently contemplated here—the Initial Decision, to be issued by the Commission instead of the Hearing Examiner, will be prepared for the Commission by the Common Carrier Bureau, which will also appear and participate in the hearing. This, it is asserted, is prejudicial since the Bureau has previously taken a position in this case opposing the TELPAK tariff and its revisions. It is further alleged that the procedure contemplated is contrary to section 8(a) of the Administrative Procedure Act and 47 CFR 1.151(d) in that the designation Order lacks a finding that due and timely execution of the Commission's functions imperatively and unavoidably requires this procedure. Petitioners also urge that as a matter of policy the Commission should have the Hearing Examiner issue an Initial Decision.

3. That the Commission has the right in accordance with its rules consistent with the Administrative Procedure Act to direct that a record be certified to it for Initial Decision in a rule-making proceeding such as the instant one would appear to be beyond dispute if such direction be coupled with the record finding that expedition so requires. The essentiality of expedition to this proceeding is implicit in petitioners' arguments in their pleadings. That the Examiner's decision may be omitted under similar conditions likewise is clear. Accordingly, we find here upon the record that due and timely execution of our functions

unavoidably and imperatively requires the certification of the record by the Hearing Examiner in this proceeding to us for Initial Decision without Initial or Recommended Decision by such Examiner.

4. With regard to the participation of the Common Carrier Bureau in the drafting of the Commission decision, the short answer is that the APA does not preclude this. Section 5(c) of the APA requires separation of functions in adjudication, but by explicit provision excepts "proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; * * *". Therefore, rather than being contrary to the policy of the APA, the procedure contemplated is perfectly consistent with the provisions of that Act. Certainly petitioners' views will not be ignored. They have the opportunity to file proposed findings as well as exceptions to the Initial Decision and to request oral argument before the Commission. In view of all the foregoing, petitioners' request for deletion of that portion of the designation Order directing the certification of the record to the Commission without an Examiner's decision will be denied. Likewise, the request that copies of any draft decision prepared by the staff in this proceeding be served on the parties at the same time as the decision is presented to the Commission for its consideration will be denied as contrary to normal Commission procedure since good cause for any divergence from such practice has not been shown.

5. Petitioners request modification of four of the nine it appearing clauses in the designation Order to remove any conclusory wording which might prejudice an impartial determination of the issues in this proceeding. The preface, "It appearing," in our opinion, precludes their construction as conclusions. That they are not conclusions is emphasized by the en banc hearing held subsequent to the release of this designation Order in which the issues were drawn from the very clauses here under attack, and the Memorandum Opinion and Order issued after such hearing and released December 7, 1961 (FCC 61-1431, Mimeo No. 12881) which stated that the Commission could arrive at no conclusions regarding these issues without further evidentiary hearing. Accordingly, this request will be denied.

6. ARinc's request that the designation Order allocate the burden of proof will be denied because such initial determination is for the Hearing Examiner's construction of the statute. ARinc's request for addition of three new issues to the designation Order involve matters concerning which evidence may be introduced under the existing issues except inquiry as to any plans of Western Union Telegraph Company to provide a TELPAK-like service, which issue would become pertinent only upon the filing of a similar tariff by Western Union. Consequently, the request will be denied.

7. NAM-ATA has suggested that we require the Common Carrier Bureau to

place any rates it may propose with the reasons therefor in the record in order to give the parties the opportunity to explore or rebut them. Section 205 of the Communications Act authorizes the Commission to prescribe just and reasonable charges after full opportunity for hearing. Any rates proposed by the Common Carrier Bureau in the course of a hearing will, of course, be a matter of public record. Rates prescribed by the Commission in instructions for preparation of an Initial Decision will be Commission rates in law and in fact and not those of a bureau of the Commission. Also, we cannot agree to NAM-ATA's suggestion that the words "detrimental" and "existing" in Issue 3 of the designation Order⁶ be modified or deleted in view of the fact that the issue as presently worded does not, in our opinion, contravene section 201(b), from which it was derived, or any other section of the Communications Act of 1934, as amended.

8. Several requests of the parties have become moot through changed circumstances since their proposal. ARinc's request to be made a "party-patron" will be dismissed in view of the granting of its petition for intervention by the Chief Hearing Examiner by Order released October 24, 1961 (FCC 61M-1685, Mimeo No. 11611). ARinc's request that the suspension of the TELPAK tariff revisions of August 3, 1961 be revoked and Motorola's request that such suspension be extended have been rendered moot by the termination of such suspension on December 8, 1961; therefore such requests will be dismissed.

Accordingly, it is ordered, This 6th day of February 1962, that the requests and suggestions contained in all of the above-described pleadings (par. 1, supra) are denied; and

It is further ordered, That the antepenultimate ordering clause in the Commission's Order, released September 8, 1961 (FCC 61-1039, Mimeo No. 9425, 26 F.R. 8607) be supplemented by the addition at the end thereof of the following words: "since the Commission finds that due and timely execution of its functions imperatively and unavoidably so requires."

Released: February 12, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1574; Filed, Feb. 14, 1962;
8:50 a.m.]

⁶ "(3) Whether the furnishing of services and channels under the TELPAK tariff will have a detrimental or unlawful effect on the competitive situations existing among the communications common carriers themselves or between communications common carriers and other segments of the communications industry such as private communications systems manufacturers and suppliers;"

² Dissenting statements of Commissioners Craven and Ford filed as part of the original document.

[Docket No. 14518; FCC 62-158]

DOLPH-PETTEY BROADCASTING CO. (KUDE)

Order Designating Application for Hearing on Stated Issues

In re application of Dolph-Petty Broadcasting Company (KUDE), Oceanside, California, Docket No. 14518, File No. BP-14324; Has: 1320 kc, 500 w, DA-1, U, Requests: 1320 kc, 5 kw, 500 w-LS, DA-2, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues set forth below, the applicant is legally, financially and otherwise qualified to construct and operate Station KUDE as proposed; and

It further appearing that, the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposed operation of KUDE would cause adjacent channel nighttime interference to the existing operation of Station KFAC, Los Angeles, California.

2. The applicant's proposed operation would be limited, nighttime, to its 10.3 mv/m contour. Area and population losses within the normally protected contour would, according to the applicant's data, be 78.5 percent and 81.3 percent respectively. Although KUDE provides the only nighttime service to the city of Oceanside and therefore falls within an express exception to § 3.28(d) of the rules—it cannot be determined, on the basis of data submitted, that the KUDE nighttime proposal would represent an efficient utilization of the requested channel, in accordance with § 3.24(b) of the rules.

3. According to data submitted by the applicant, 608 persons reside within the 1000 mv/m contour of the proposed daytime operation. Since this total (approximately 3 percent of population within the 25 mv/m contour) exceeds that permitted by § 3.24(g) of the Commission's rules, it will be necessary to determine whether circumstances warrant a waiver of the rules.

4. By petition filed March 3, 1961, E. L. Cord tr/as Los Angeles Broadcasting Company requested that the instant application be designated for hearing because of expected interference from the proposed KUDE operation and because the predicted 2 mv/m contour of KUDE will overlap the existing 25 mv/m contour of KFAC. Accordingly, the licensee of KFAC must be made a party respondent to the hearing ordered below.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the instant proposal prior to a final decision in Docket No. 14419 should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KUDE and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of KUDE would cause objectionable interference to Station KFAC, Los Angeles, California or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of interference received, the proposed nighttime operation of Station KUDE would be consistent with § 3.24(b) of the Commission rules.

4. To determine whether the instant proposal of KUDE is in compliance with § 3.24(g) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether overlap of the 2 and 25 mv/m contour would occur between the instant proposal of KUDE and KFAC in contravention of § 3.37 of the Commission rules, and if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, E. L. Cord tr/as Los Angeles Broadcasting Company, licensee of Station KFAC, Los Angeles, California is made a party to the proceeding.

It is further ordered, That any grant of the instant proposal, prior to a final decision in Docket No. 14419 will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.37 of the Commission rules, are not extended to this authorization, and such operation is precluded."

It is further ordered, That to avail itself of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed

for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1575; Filed, Feb. 14, 1962;
8:50 a.m.]

[Docket Nos. 14516, 14517; FCC 62-155]

JOHN E. GRANT AND ALLEN C.
BIGHAM, JR.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John E. Grant, Salinas, California, Docket No. 14516, File No. BP-13911, Requests: 980 kc, 1 kw, DA, Day; Allen C. Bigham, Jr., Salinas, California, Docket No. 14517, File No. BP-14891, Requests: 980 kc, 1 kw, DA, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Each of the subject applicants requests operation on 980 kc, with a power of 1 kilowatt, daytime only, at Salinas, California, and the applications are therefore mutually exclusive.

2. By notarized letter and accompanying engineering affidavit submitted November 22, 1961, KEAP Broadcasting Company, Inc., licensee of Station KEAP, Fresno, California, has requested that the subject application of John E. Grant be designated for hearing and KEAP be made a party thereto. KEAP alleges that measurement data taken on three radials from KEAP indicates that the John E. Grant proposal would cause interference to the KEAP existing operation resulting in an area loss of 3,082 square miles within the KEAP normally protected service contour. No figures regarding population loss have been submitted. KEAP does not indicate that interference would be received from the Allen C. Bigham, Jr. proposal. However, on the basis of the measurement data submitted, it appears that KEAP would

also receive interference from the proposal of Allen C. Bigham, Jr. An appropriate issue regarding interference to KEAP is included below and KEAP Broadcasting Company, Inc. is made a party respondent herein.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposals in this proceeding, prior to a final decision in Docket 14419, should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposals would cause objectionable interference to Station KEAP, Fresno, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

3. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That KEAP Broadcasting Company, Inc., licensee of Station KEAP, Fresno, California, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application of Alfred C. Bigham, Jr., the construction permit shall contain a condition requiring Bigham to sever connections with Station KDON, Salinas, California.

It is further ordered, That any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with

respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually, or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1576; Filed, Feb. 14, 1962;
8:50 a.m.]

[Docket No. 13313 etc.; FCC 62-150]

IOWA CITY BROADCASTERS, INC.,
ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Iowa City Broadcasters, Inc., Iowa City, Iowa, Docket No. 13313, File No. BP-13877, Requests: 1510 kc, 250 w, Day, Class II; WKAI Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 14508, File No. BP-13902, Has: 1510 kc, 250 w, Day, Class II, Requests: 1510 kc, 1 kw, 250 w (CH), Day, Class II; Iowa Falls Broadcasting Corporation, Iowa Falls, Iowa, Docket No. 14509, File No. BP-14618, Requests: 1510 kc, 500 w, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the

instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

(A) The proposal of Iowa City Broadcasters:

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To WKAI, Macomb, Ill., from WKAI.
To BP-13902 (WKAI), from BP-13902 (WKAI).

To BP-14618, Iowa Falls, Iowa, from BP-14618.

2. Johnson County Broadcasting Corporation, licensee of Station KXIC, Iowa City, Iowa, by letter of February 6, 1961, suggested to the Commission that the application of Iowa City Broadcasters, Inc. be rejected on several grounds. The letter does not meet the requirements of section 309(d) of the Communications Act of 1934, as amended or of § 1.359(i) of the Commission rules for a petition to deny, nor does it contain any allegations of fact, showing that a grant of this application would be prima facie inconsistent with the public interest. However, since KXIC is the only commercial standard broadcast station in Iowa City, we believe that KXIC should be made a party to the proceeding.

(B) The proposal of WKAI Broadcasting Company (WKAI):

1. Causes interference to and receives interference from the following standard broadcast proposal:

To BP-13877, Iowa City, Iowa, from BP-13877.

2. On February 2, 1961, WLAC, Inc., licensee of Station WLAC, Nashville, Tennessee, filed a Petition to Deny the instant application of WKAI on the grounds that excessive radiation would result to its operation during critical hours. By amendment of May 19, 1961, the subject proposal was amended reducing power from 500 w to 250 w during critical hours, eliminating daytime skywaves interference to WLAC. Therefore the petition must be denied.

(C) The proposal of Iowa Falls Broadcasting Corporation causes interference to and receives interference from the following standard broadcast proposal:

To BP-13877, Iowa City, Iowa, from BP-13877.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposals in this proceeding prior to a final decision in Docket 14419 should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Iowa City Broadcasters, Inc. and Iowa Falls Broadcasting Corporation and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Station WKAI and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Iowa City Broadcasters, Inc., would cause objectionable interference to Station WKAI, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the interference received by the proposal of Iowa City Broadcasters, Inc., and the proposal of WKAI, Inc., from any other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant applications would serve the public interest, convenience and necessity.

It is further ordered, That the petition of WLAC, Inc., is hereby dismissed.

It is further ordered, That Johnson County Broadcasting Corporation, licensee of Station KXIC, Iowa City, Iowa is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the proposal of WKAI Broadcasting Company, File No. BP-13902, permittee shall accept such interference as may result in the event of a grant of an application by Progressive Broadcasting Corporation, File No. BP-14329, requesting the facilities 1510 kc, 250 w, DA, Day at Highland, Illinois.

It is further ordered, That any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to Iowa City Broadcasters, Inc., and Iowa Falls Broadcasting Corporation will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1577; Filed, Feb. 14, 1962;
8:51 a.m.]

[Docket No. 14522; FCC 62-164]

MERCHANTS BROADCASTING SYSTEM OF DALLAS, INC.

Order To Show Cause

In the matter of revocation of license and subsidiary communications authorization of Merchants Broadcasting System of Dallas, Inc., for FM Broadcast Station KCPA, Dallas, Texas, Docket No. 14522.

The Commission having under consideration (1) the outstanding license issued to Merchants Broadcasting System of Dallas, Inc., to operate FM Broadcast Station KCPA on a frequency of 94.1 Megacycles (Channel 231) at Dallas, Texas; (2) the Subsidiary Communications Authorization issued to the licensee to conduct a background music service; (3) the Commission's letter to Merchants Broadcasting System of Dallas, Inc. of November 15, 1961; (4) the letter of Robb Stewart, Esquire, attorney for

Charles E. Ames of November 17, 1961; and (5) the Commission's letter to Robb Stewart, Esquire, of November 22, 1961; and

It appearing that Merchants Broadcasting System of Dallas, Inc., is in financial difficulty; that the studio which was also the remote control point, and the transmitter site for Station KCPA are no longer available to the licensee; that the carrier-final amplifier for Station KCPA was turned off on or about August 12, 1961; and that Station KCPA has not operated, as licensed, since that time; and

It further appearing, that (1) since August 5, 1961, the licensee has not maintained either program logs or operating logs for Station KCPA, all in violation of §§ 3.281 (a) and (b), and 3.295 (g) and (h) of the Commission's rules and regulations; (2) that during the period from at least August 9, 1961, to August 12, 1961, the transmitter for Station KCPA was operated without an operator in attendance at either the remote control point or transmitter, all in violation of § 3.265 of the Commission's rules and regulations; (3) that during the same period the station was in operation without a frequency or modulation monitor, all in violation of §§ 3.252(a) and 3.253 (a) of the Commission's rules and regulations; (4) during the same period the station was operated without CONELRAD protection in violation of § 3.931 of the Commission's rules and regulations; (5) beginning on August 8, 1961, and continuing to at least August 12, 1961, the main carrier of Station KCPA (FM) was modulated with the same programming as presented on the station's sub-carrier, all without any station identification and therefore in violation of §§ 3.287 and 3.295 (e) of the Commission's rules and regulations; (6) on August 12, 1961, the final amplifier of the transmitter was turned off without any written notice to the Engineer-in-Charge at Dallas, Texas, or to the Washington offices of the Commission, as required by § 3.261(b) of the Commission's rules and regulations; (7) since August 12, 1961, Station KCPA either has been operating with reduced power or has been silent for a period of more than ten days without having requested or having obtained permission to do so, all in violation of § 3.261(b) of the Commission's rules and regulations; and (8) the station continues to remain silent in violation of § 3.261(a) of the Commission's rules and regulations; and

It further appearing that the aforesaid violations of the Commission's rules and regulations were willful and repeated; and

It further appearing that on November 15, 1961, the licensee was sent a letter by the Commission informing it of the aforesaid violations, calling the licensee's attention to the provisions of § 3.271 of the Commission's rules and regulations, and directing the licensee to forward its license and other instruments of authorization to the Commission's offices at Washington, D.C., in no event later than ten days from the date of the letter; and

It further appearing that the licensee has willfully failed to comply with the directions contained in the Commission's letter of November 15, 1961 in that it has failed to transmit its license and other instruments of authorization to the Commission's offices at Washington, D.C. as directed; and neither the licensee nor anyone on its behalf has submitted any material contradicting the conclusions that Station KCPA was permanently off the air insofar as the licensee was concerned, that the licensee of Station KCPA was not financially qualified to continue the operation of Station KCPA, and that during the licensee's operation of Station KCPA there were numerous violations of the Commission's rules as stated above;

It is ordered, This 6th day of February 1962, that pursuant to sections 312(a) (2), 312(a) (3), 312(a) (4), and 312(c) of the Communications Act of 1934, as amended, Merchants Broadcasting System of Dallas, Inc., is directed to show cause why an order revoking its license and subsidiary communications authorization for FM Broadcast Station KCPA, Dallas, Texas, should not be issued, and to appear and give evidence with respect thereto at a hearing¹ to be held in the Commission's offices at Washington, D.C., at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

It is further ordered, That the Acting Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Merchants Broadcasting System of Dallas, Inc.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1578; Filed, Feb. 14, 1962;
8:51 a.m.]

¹ Section 1.77(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall, in person or by its attorney file with the Commission, within thirty days of the receipt of the Order to Show Cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the Order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See § 1.78 (c), (d), and (e) of the Commission's rules as amended December 12, 1960.

[Docket No. 13649 etc.; FCC 62-103]

RADIO CARMICHAEL ET AL.

Memorandum Opinion and Order

In re applications of Radio Carmichael, Sacramento, California, Docket No. 13649, File No. BP-12031; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP-12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP-12938; for construction permits.

1. The Commission has before it for consideration (1) the matters of record in the above-entitled proceeding; (2) a letter from Riley R. Gibson, president of Cal-Val Radio, Inc. (KXOA), to the Commission filed June 27, 1961, and pleadings filed in response thereto; (3) a joint petition to intervene, reopen record, remand and enlarge issues, filed by John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc., on August 4, 1961, and all pleadings properly filed in response thereto; (4) a petition to sever filed by Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and Golden Gate Broadcasting Corporation (KSAN) on September 8, 1961, and pleadings filed in response thereto.

2. A brief review of the background history will permit a better understanding of the instant proceeding, which originally involved the applications of (a) Radio Carmichael (Carmichael) for a new standard broadcast station to operate on 1430 kc, 500 w, DA at Sacramento, California; (b) John Matranga, d/b as Trans-Sierra Radio (Matranga) for a similar facility at Roseville, California; (c) Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) to increase the daytime power of Station KVON, Napa, California, from 500 watts to one kilowatt and change its directional antenna daytime; (d) Golden Gate Broadcasting Corporation (KSAN) to increase the daytime power of Station KSAN, San Francisco, California, from 250 watts to one kilowatt; and (e) Ashley Robison and Gordon A. Rogers, d/b as Redwood City Broadcasting Company (Redwood) for a new standard broadcast station to operate on 1430 kc, 1 kw, D, DA, at Palo Alto, California. Redwood's application was dismissed as a result of an agreement with KSAN, and Matranga entered into an agreement with Carmichael providing for the dismissal of Matranga's application, which agreement the Examiner approved subject to review by the Commission. The Matranga-Carmichael agreement provided for the reimbursement of Matranga's out-of-pocket expenses and gave him an option to purchase at book value 25 percent of Carmichael's stock, said option to extend to August 15, 1964.

3. Hearing Examiner Walther W. Guenther, proposed grant of the three remaining applications. Subsequent to the Initial Decision, a letter was received, on June 27, 1961, from Riley R. Gibson, president of Cal-Val Radio, Inc., licensee of Station KXOA, Sacramento,

advising the Commission that Matranga was a creditor of Station KGMS, Sacramento, and asserting that it would be unfair to allow him to have a 25 percent interest in Carmichael at the same time.

4. In response, Carmichael took the position that Matranga does not now have an interest in Carmichael but only an option; that it would be premature to explore the duopoly question until such time as Matranga does exercise his option; and that Carmichael is willing, prior to the transfer of any stock to Matranga, to submit the entire transaction to the Commission for its approval.

5. The Bureau filed a pleading containing an exception recommending that the grant to Carmichael be made subject to the condition that Carmichael "shall not issue or transfer any of its stock to John Matranga, or otherwise accord to him any ownership interest or status, without prior approval of the Commission." The timely filing of this exception prevented the Initial Decision from becoming final pursuant to § 1.153. Carmichael indicated that it had no objection to the inclusion of the condition recommended by the Broadcast Bureau.

6. On August 4, 1961, John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc. (KXOA), filed a joint petition requesting that the Commission grant them leave to intervene, reopen the record, remand the proceeding to the Examiner, and enlarge the issues to include a § 3.35(a) overlap issue with respect to Carmichael's president, Joseph E. Gamble, who is the owner of Station KJOY, Stockton, California.

7. Thereafter, KVON and KSAN filed a joint petition to sever, requesting that in the event the Commission grants any part of the petition to intervene or decides to enlarge the issues on its own motion, their applications be immediately severed from the instant proceeding and granted.

INTERVENTION

8. The only explanation offered by Carey and Cal-Val for their failure to seek intervention within the time allowed therefor by the Communications Act and the Commission's rules, was that they were of the view that all the facts they now wish to present would be adduced at the hearing. However, in that no issue in the proceeding was directed to the facts in question, this argument is not persuasive and does not establish good cause for the untimeliness of the petition to intervene, which will be denied.

9. Nevertheless, the pleadings before us raise certain questions which must be resolved before it can be determined whether a grant of the various applications would be in the public interest.

THE MATRANGA DUOPOLY ISSUE

10. The pleadings¹ before us indicate that by the terms of the Matranga-Carmichael agreement, Matranga, in return for the dismissal of his application, would have an option to obtain a 25 percent interest in Carmichael, while at the same time retaining a substantial creditor relationship to competing Station KGMS in the same community. Section 311(c) of the Communications Act precludes the effectuation of an agreement

between mutually-exclusive applicants for the withdrawal of one of them without Commission approval. However, since the facts concerning Matranga's relationship with KGMS are not a matter of record, the Commission is not now in a position to approve or disapprove the agreement, or to consider the propriety of the condition recommended by the Broadcast Bureau. Consequently, the record will be reopened in order that evidence going to these matters may be adduced. As a matter of administrative convenience, we deem it appropriate that the further proceedings herein be conducted in accordance with the procedural rules now prevailing rather than those which obtained at the time of the agreement. Accordingly, pursuant to § 1.316 and section 0.224(b) (10) this matter will be remanded to the Chief Hearing Examiner.

THE GAMBLE OVERLAP ISSUE

11. Carey and Cal-Val, having been denied intervention, lack standing to seek enlargement of the issues and their request to add a § 3.35 issue will be denied. Nor will we add the issue on our own motion. Without reaching the policy question of whether we would have added the issue had the facts herein been alleged in a timely pleading, we note that the facts have been readily available and could have been timely directed to our attention in the exercise of due diligence.

PETITION TO SEVER

12. The record shows that no new interference would be caused to the proposed Carmichael operation by the proposed KVON operation. As for the proposed KSAN operation, there was never any interference problem between it and the proposed Carmichael operation. No objections have been filed to the petition to sever, and since petitioners are qualified in all other respects, the severance and grant of petitioners' applications is in the public interest.

Accordingly, it is ordered, This 31st day of January 1962, that the petition to intervene, reopen record, remand and enlarge issues, filed by John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc. (KXOA), on August 4, 1961, is denied; and

It is further ordered, That the record in this proceeding is reopened and the proceeding remanded to the Chief Hearing Examiner for further proceedings consistent with the foregoing; and

It is further ordered, That the petition of Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and Golden Gate Broadcasting Corporation (KSAN) filed September 8, 1961, is granted; that the Commission's Order (FCC 60-808), released July 13, 1960, in the above-entitled proceeding is amended by removing from hearing the application (File No. BP-12306) of Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and the application (File No. BP-12376) of Golden Gate Broadcasting Corporation (KSAN); and that said applications of Jack L. Powell and Alyce M. Powell, Joint Tenants

(KVON) and Golden Gate Broadcasting Corporation (KSAN) are granted; and It is further ordered, That Radio Carmichael's request for leave to file opposition, filed on September 11, 1961, is denied.

Released: February 1, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1579; Filed, Feb. 14, 1962;
8:51 a.m.]

[Docket Nos. 13227, 13251; FCC 62-140]

SEVEN LOCKS BROADCASTING CO. AND TENTH DISTRICT BROADCAST- ING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia, Docket No. 13251, File No. BP-13153; for construction permits.

1. The Commission has under consideration (a) the Initial Decision herein;² (b) the exceptions and associated briefs of the parties; and (c) all other matters of record herein. Each applicant seeks a construction permit for Class III AM facilities on the frequency 950 kc; each specifies a power of 1 kw, a directional antenna, and daytime only operation. The applications are mutually exclusive and only one may be granted. The Examiner bases her ultimate preference for the McLean applicant on considerations arising under section 307(b) of the Communications Act. For reasons hereinafter stated, the Commission is remanding the proceeding to the Examiner for further hearing.

2. In its original application, Tenth District Broadcasting Company specified as its station location McLean, Virginia. It represented that its studio would be located in McLean, and that its transmitter would be located "near McLean" at Georgetown Pike and Balls Hill Road. It stated that the area in the vicinity of the proposed transmitter site "is rural in nature", and it made reference to an aerial photograph contained in the application to support that fact. The "unincorporated place" McLean (pop. 1,094) is listed in the 1950 Census, and no pre-hearing letter to Tenth District questioned that McLean is a "community" within the meaning of section 307(b) of the Act, or a "particular city, town, political subdivision, or community" within the meaning of § 3.30(a) of the Commission's rules.

3. At the hearing, Tenth District described the McLean community as "that part of Fairfax County which is bounded by the Potomac River on the north, by

¹ Dissenting statements of Commissioners Lee, Ford, and Bartley filed as parts of the original document.

² Initial Decision of Hearing Examiner Elizabeth C. Smith, released July 17, 1961 (FCC 61D-108, Mimeo No. 7912).

the Arlington County Line and Falls Church on the east, by Route 7 on the south and by Difficult Run on the west." Tenth District's consulting engineer, wife of one of the partners, testified that she had in mind "the little hamlet known as McLean" when she described (in the application) the transmitter site as "near McLean." The transmitter site, rural though it was said to be, is within the boundaries of the McLean community contended for at the hearing. As described by Tenth District, the McLean community had a 1960 population of 28,952 persons in an area of 29.9 square miles.

4. Seven Locks Broadcasting Company first specified a station location of Potomac, Maryland. Following a prehearing letter requesting information which would show that Potomac "is an integrated community", Seven Locks amended its application to specify Potomac-Cabin John, Maryland, as its station location. It represented that its transmitter location would be at the corner of River Road and Seven Locks Road, "squarely between the two communities of Potomac and Cabin John." It explained that their "present small size" and "their dissimilarity" justify the dual city designation as provided for in § 3.30(b) of the rules. Additionally, it stated that programs would originate from both Potomac and Cabin John, and that their potential justifies a special service for "each community." Neither Potomac nor Cabin John is listed in the 1950 Census, and a second prehearing letter to Seven Locks stated that information theretofore submitted by the applicant was insufficient to establish that they were communities within the meaning of section 307(b). The problem remained unresolved, and the Commission's Order designating the Seven Locks and Tenth District applications for hearing specified an issue as to whether the Seven Locks proposal "would serve what is a community within the meaning of section 307(b)."

5. At the hearing, Seven Locks described its community or communities as including the 10th Election District of Montgomery County;² that part of the Maryland National Capital Parks and Planning Commission's Planning Area No. IV which extends north of the boundary of the 10th Election District;³ and Planning Area VI-C-4.⁴ The area contended for by Seven Locks is bounded on the south by the Potomac River; on the southeast by Cabin John Creek; on the east by the eastern boundary of Election District 10, the eastern boundary of Planning Area IV, and the proposed route of Highway 240, "all of which run close to each other and parallel;" on the north by the northern boundaries of Election District 10 and Planning Area IV (the proposed outer circumferential

highway); and on the west by the boundary between the 10th and 6th Election Districts. The communities were said to encompass 34 square miles and a 1960 population of 5,869, 4,360 residing in Potomac and 1,509 residing in Cabin John.

6. Based on the foregoing, it would appear that at the hearing each applicant materially departed from the statements and representations contained in its application, thereby raising a serious question under § 3.30(a) of the Commission's rules. Section 3.30(a) provides that standard broadcast stations will be licensed to serve primarily "a particular city, town, political subdivision, or community."⁵ In neither case here has the applicant established that the area (or areas) claimed is a particular city, town or political subdivision, and there is considerable doubt that it has established that such area (or areas) is a particular community within the purview of the above rule or existing Commission cases. On the basis of the record thus far compiled, there is little to dispel the suspicion that the "communities" contended for by the respective applicants exist primarily in the minds of such applicants: in neither case has the applicant been able to muster anything but unofficial and sporadic concurrence or recognition by miscellaneous groups using the same or similar boundaries for their own specialized purposes and convenience.⁶

7. Because exact boundaries for the named locations have never been officially prescribed, the applicants apparently felt free at the hearing, to push to the farthest points for which any kind of logical support could be summoned.⁷ Thus, neither crossed the Potomac River and neither crossed a county line; but Seven Locks did not hesitate to bite into the Bethesda (7th) and Rockville (4th) Election Districts, and Tenth District advanced to the city limits of incorporated Falls Church. In the Commission's view, neither applicant has allayed the distinct suspicion that other locations could make equal or more convincing claims to the territories and peoples contended for by such applicant.⁸

² Paragraph (b) of § 3.30 permits the licensing of a station to serve two or more such entities.

³ See paragraph 7 of the Examiner's Conclusions, set forth at page 14 of her Initial Decision.

⁴ It is true that in Mercer Broadcasting Company, 22 FCC 1009, 13 RR 891 (1957) (cited in the Initial Decision), no finding could be made as to the exact boundaries of Levittown and Fairless Hills. However, it was stipulated that there were 8,750 homes in Levittown and 2,000 homes in Fairless Hills. At 3.2 persons per dwelling, it was computed that the two contiguous areas had a combined population of 33,440 (see footnote 8, *infra*).

⁵ Musical Heights, Inc. 29 FCC 1, 19 RR 49 (1960) affirmed sub nom. Richard F. Lewis, Jr., Inc. v. F.C.C., 292 F. 2d 762, is mentioned in the Initial Decision. There, the Commission held Braddock Heights, Maryland, to be a community, inasmuch as it represented an identifiable population grouping separate and distinct from the larger community of Frederick. In the foregoing respect it is distinguishable from the instant case. Similarly, in the Mercer case (see footnote 7) it is clear that a person claimed for Levittown

8. Were the Commission to permit either or both of the applicants here to arbitrarily establish the boundary lines of the "communities" respectively claimed, in every future case involving an unincorporated location the opportunity would be open for the applicant to claim every other unincorporated concentration of population in the county. To thus introduce gerrymandering or metes-and-bounds descriptions to our section 307(b) determinations would be to seriously hamper the effective administration of that provision of the Communications Act. Accordingly, the parties are advised that each place of station location applied for must be established as a particular city, town, political subdivision or community, i.e., an identifiable population grouping separate and distinct from all others; and that the geographic boundaries of the location or locations contended for must not enclose or contain areas or populations more logically identified as, or associated with, some other location. Any applicant failing in the foregoing burdens or requirements will be disqualified from receiving a grant under § 3.30(a) of the Commission's rules.

9. The Commission has noted that the two transmitter sites proposed herein are only 3.5 miles apart; and that the two antenna patterns are similar and have in common substantial areas and populations, all of which are in the 1960 Washington Standard Metropolitan Statistical Area, and a good many of which are in the city of Washington itself. Additionally, where Tenth District claims that it would furnish a first outlet for local self-expression to 23,000 more persons than Seven Locks,⁹ the latter would bring new service to 99,000 more persons than the former. On the basis of the foregoing and other similarities obtaining with respect to the two proposals, the possibility exists that neither applicant will be able to establish a determinative preference under section 307(b). Accordingly, the Commission is also adding to the proceeding a contingent comparative issue to insure that a determinative basis for a choice will exist between the two applicants.¹⁰

10. To accommodate the foregoing, the Commission is revising the 307(b) issue presently existing in this proceeding. With the revised 307(b) issue, and with the addition of the § 3.30(a) issue mentioned above, there is no longer required the present issue inquiring into the community status of Potomac-Cabin John. Accordingly, that issue is being deleted from the proceeding.¹¹

(or Fairless Hills) knew he lived there. This is not necessarily so for a person claimed in this proceeding for McLean, Potomac, or Cabin John.

⁹ Following the further hearing, the difference may be sharply reduced.

¹⁰ In its exceptions, Seven Locks has alternatively requested the addition of a standard comparative issue. For a discussion of the Commission's general policy in cases such as this see Kent-Ravenna Broadcasting Co., FCC 61-1350 (Mimeo No. 12092).

¹¹ Because the two applicants were originally in a proceeding involving more than 30 applicants, and because of a number of severances involving the two applicants, the

² The 10th Election District is also known as the Potomac Election District.

³ A corner of Planning Area No. IV lies in the 4th (Rockville) Election District.

⁴ Planning Area VI-C-4 is said to be the Cabin John community, and it lies partially within the 10th Election District and partially within the 7th (Bethesda) Election District.

Accordingly, it is ordered, This 6th day of February 1962, That this proceeding is remanded to the Hearing Examiner for further hearing consistent herewith; and

It is further ordered, That the two issues of this proceeding specifically inquiring into matters involving section 307(b) of the Communications Act are deleted, and that the issues set forth below are substituted or added therefor:

(a) To determine the station locations applied for by the respective applicants, and to determine whether such locations are particular cities, towns, political subdivisions or communities within the meaning of § 3.30(a) of the Commission's rules.

(b) To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applicants can be reasonably based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

(c) To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(i) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station;

(ii) The proposals of each of the instant applicants with respect to the management and operation of the proposed station;

(iii) The programming service proposed in each of the instant applications.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1580; Filed, Feb. 14, 1962;
8:51 a.m.]

[Docket No. 14313; FCC 62M-198]

WFYC, INC. (WFYC)

Order Continuing Hearing

In re application of WFYC, Incorporated (WFYC), Alma, Michigan, Docket No. 14313, File No. BP-13807; for construction permit.

Exhibits for this proceeding are scattered over a number of volumes, including some bearing docket numbers different from those involved here. The Commission has experienced considerable difficulty in tracking down the various exhibits, and the Examiner at the further hearing ordered herein may wish either to direct the parties to submit all of their exhibits anew, or to append an index of exhibits to the Supplemental Initial Decision.

The Hearing Examiner having under consideration the joint request of all parties to the above-entitled proceeding filed February 7, 1962, for continuance of hearing;

It appearing that by order of the Acting Chief Hearing Examiner the date for exchange of hearing exhibits herein was continued to February 7, 1962, and that said exhibits were exchanged on that date with hearing being scheduled to commence on February 12, 1962, which affords inadequate time for completion of the remaining prehearing procedural course established by order released November 24, 1961;

It is ordered, This 8th day of February 1962, that the said request is granted and that the date for exchange of rebuttal exhibits, if any, is continued from January 30, 1962, to February 16, 1962; and that the date for giving notification of witnesses to be called for cross-examination is continued from February 6, 1962, to February 23, 1962;

It is further ordered, That the hearing in this matter heretofore scheduled to commence on February 12, 1962, is continued to March 14, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1581; Filed, Feb. 14, 1962;
8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-123]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

FEBRUARY 9, 1962.

Take notice that on November 16, 1961, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-123 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain minor "budget-type" facilities during the calendar year 1962, including branch lines and meter and regulator equipment, to make miscellaneous temporary and permanent direct sales of natural gas from Applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the facilities for which authorization is sought is estimated to be \$97,500, with no individual project to exceed a cost of \$15,000. Applicant states that the cost of said facilities will be paid out of treasury cash.

Applicant estimated that it will have approximately 15 requests for temporary sales in 1962 by road construction contractors and other operators of temporary plant locations, with each request involving an estimated average of 35,000

Mcf annually and averaging a cost of approximately \$2,500 per installation.

Also, Applicant anticipates approximately 30 requests for direct sales to consumers on a permanent basis, each request involving an average of approximately 81,000 Mcf of gas annually and averaging a cost of approximately \$2,000 per installation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 20, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1542; Filed, Feb. 14, 1962;
8:46 a.m.]

[Docket No. G-15170, etc.]

CONTINENTAL OIL CO. ET AL.

Order Accepting Offer of Settlement, Severing and Terminating Proceedings and Providing for Refunds

FEBRUARY 9, 1962.

On December 12, 1961, Continental Oil Company, for itself and for other parties of interest (hereinafter referred to collectively as Continental), tendered for filing an Offer of Settlement, pursuant to § 1.18(e) of the Commission's rules of practice and procedure, of the rate suspension proceedings involved in the above-entitled matters. Included in its Offer of Settlement are three proposed increased rates which Continental requests be permitted to become effective without suspension. The sales involved in the Offer of Settlement all concern Continental's jurisdictional sales of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from Texas Railroad Commission District Nos. Two and Six.

The suspended and proposed rate changes which are the subject of this Offer of Settlement are as follows:

Rate schedule-supplement No.	Docket No.	Increased Rate—Cents/Mcf at 14.65 psia	Date effective subject to refund	Settlement rates
84-9	G-15170	13.8733	Oct. 29, 1958	13.8733
114-12*	G-15171	13.8733	Oct. 29, 1958	13.8733
125-10*	G-15171	14.3733	Oct. 29, 1958	14.3733
11	G-18750	15.0432	Nov. 18, 1959	14.3733
12	RI60-194	15.3765	Aug. 21, 1960	14.3733
13	RI61-458	15.7099	Sept. 27, 1961	14.3733
137-10		13.8733	(2)	13.8733
139-6*		13.8733	(2)	13.8733
141-8*		13.8733	(2)	13.8733
160-3 and 4	G-19027	14.6	Jan. 6, 1960	14.6
5	RI60-160	14.8	July 29, 1960	14.6
6	RI61-285	15.0	May 22, 1961	14.6

* (Operator), et al.

¹ Includes 0.5 cents per Mcf allowance to Continental for dehydration and central point delivery.

² Proposed in the offer.

Under the terms of the offer, Continental agrees to eliminate the favored-nation and price redetermination provisions from the subject contracts. Under Rate Schedule Nos. 84, 114, 137, 139, and 141 Continental proposes to insert schedules of three 0.5 cent per Mcf escalations above the 13.8733 cents per Mcf settlement rates at five-year intervals beginning February 5, 1963. Under Rate Schedules Nos. 125 and 169 Continental proposes to insert schedules of three 0.5 cent and 1.0 cent per Mcf escalations above the respective 14.3733 cents, and 14.6 cents per Mcf settlement rates occurring at five-year intervals beginning February 5, 1963 and November 1, 1963. All of the aforementioned rates are total rates including any tax reimbursement.

As justification for the offer, Continental contends that the favored-nation and price redetermination provisions of the contracts are valuable to Continental as a means of protection against inflation. In addition, Continental states that the settlement rates are below the level of initial prices for gas sold in the same areas. The offer is consistent with the Commission's announced policy in the Second Amendment to Statement of General Policy No. 61-1.

Docket Nos. G-15170 and G-15171 were consolidated for hearing purposes with Docket Nos. G-16966, a section 5(a) general investigation.

Texas Eastern concurs in and approves the Offer of Settlement and adverts to the similarity of previous offers of settlement pertaining to jurisdictional sales of gas to Texas Eastern which have been accepted by the Commission. No opposition to the Offer of Settlement has been expressed.

In our judgment, settlement of these proceedings in accordance with the Offer of Settlement is desirable in the public interest and appropriate in carrying out the provisions of the Natural Gas Act. Continental is proposing to eliminate all favored-nation and price-redetermination clauses in its contracts herein involved with Texas Eastern, to waive all its future rights and benefits thereunder and to convert the annual escalations now provided in the contracts to fixed escalations, and provided in its offer.

However, we desire to make it clear that acceptance of this Offer of Settlement shall not be construed as approval of any future increased rates proposed by Continental under the fixed escalation provision or otherwise.

The Commission finds:

(1) Good cause has been shown for severing Docket Nos. G-15170 and G-15171 from the consolidated proceedings in Docket Nos. G-16966, et al., and for terminating the proceedings in Docket Nos. G-15170, G-15171, G-18750, RI60-458, G-19027, RI60-160, RI61-285, and RI60-194.

(2) The proposed settlement of these rate proceedings on the basis described herein, as more fully set forth in the Offer of Settlement filed with the Commission by Continental on December 12, 1961, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved by the Commission and made effective as hereinafter ordered.

The Commission orders:

(A) Docket Nos. G-15170 and G-15171 are hereby severed from the consolidated proceedings Docket Nos. G-16966, et al.

(B) The Offer of Settlement filed by Continental on December 12, 1961, is hereby approved in accordance with the provisions of this order.

(C) Continental shall execute with Texas Eastern amendments to the gas purchase contracts to implement the provisions of the Offer of Settlement and file with the Commission within 30 days from the issuance of this order such amendments as supplements to the contracts involved.

(D) Within 45 days from the date of issuance of this order, Continental shall refund to Texas Eastern the difference between the amounts collected from Texas Eastern and the rates agreed upon in the Offer of Settlement, together with simple interest at the rate specified in the respective agreement and undertaking from the respective dates of receipt of said excess amounts by Continental to the date of refund. Continental shall bear all costs incidental to the making of such refunds.

(E) Within 60 days from the date of issuance of this order, Continental shall report to the Commission in writing and under oath the details of its calculations resulting in refunds ordered pursuant to paragraph (D) above, together with copies of releases from Texas Eastern with respect to such refunds.

(F) The proceedings in Docket Nos. G-15170, G-15171, G-18750, RI60-194, RI61-458, G-19027, RI60-160, and RI61-285 upon compliance with paragraphs

C, D and E, above, are hereby terminated.

(G) The acceptance of this Offer of Settlement is without prejudice to any findings or determinations that may be made in any proceedings, which are presently being heard, or in any proceedings now pending or which may be hereafter instituted.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1543; Filed, Feb. 14, 1962; 8:47 a.m.]

[Docket No. E-6446]

GLACIER ELECTRIC COOPERATIVE, INC.

Notice of Application

FEBRUARY 9, 1962.

Take notice that on January 2, 1962, Glacier Electric Cooperative, Inc. (Applicant), incorporated under the laws of the State of Montana and doing business in that State, with its principal place of business at Cut Bank, Montana, filed an application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amounts of electric energy which Applicant is presently authorized to transmit from the United States to Canada.

By Commission order issued January 29, 1953, in the above docket, as amended December 2, 1959, Applicant was authorized to transmit electric energy from the United States to Canada in amounts not to exceed 84,000 kwh per annum at a maximum transmission rate of 25 kw at Carway, Alberta, Canada, and 36,000 kwh per annum at a maximum transmission rate of 15 kw at Del Bonita, Alberta, Canada. Applicant now seeks authorization to transmit up to 500,000 kwh at a maximum rate of 150 kw at Carway and up to 150,000 kwh at a maximum rate of 75 kw at Del Bonita.

The amounts of electric energy which Applicant proposes to export, like those amounts presently exported pursuant to the afore-mentioned authorization, are to be transmitted to Canada from the State of Montana over certain facilities specified in a Presidential Permit signed by the President of the United States on December 12, 1952 and released to Applicant concurrently with the issuance of Commission order issued January 27, 1953, in the above docket.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 28, 1962 file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1544; Filed, Feb. 14, 1962; 8:47 a.m.]

[Docket No. CP62-150]

UNITED GAS PIPE LINE CO.**Notice of Application and Date of Hearing**

FEBRUARY 9, 1962.

Take notice that on December 26, 1961, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-150 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas facilities as hereinafter described and as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon and remove 0.004 mile of 8½" O.D. pipeline and a dual 6" orifice meter station and appurtenant facilities in Jefferson County, Texas. The facilities proposed for abandonment were installed in 1952 for the purpose of delivering gas to the Socony Mobile Oil Company (Socony) (successor to Magnolia Petroleum Company) for use in its operation of an oil refinery located at Beaumont, Texas. Socony has advised Applicant that it sees no immediate use for the facilities and has requested cancellation of the gas sales contract to which Applicant has agreed.

Applicant states that the subject facilities have been utilized directly in connection with service to Socony and are not required following the termination of the gas sales contract with Socony. The original cost of the subject facilities was \$3,826.43.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 13, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the inter-

mediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1546; Filed, Feb. 14, 1962;
8:47 a.m.]

[Docket No. CI60-542]

VALLEY GAS TRANSMISSION, INC.**Notice of Hearing**

FEBRUARY 9, 1962.

Valley Gas Transmission, Inc. (Applicant), a Texas corporation with principal place of business at 572 M & M Building, Houston, Texas, filed an application for a certificate of public convenience and necessity of limited duration in the above-captioned proceeding, pursuant to section 7(c) of the Natural Gas Act, on May 2, 1960, as amended June 27, 1960, March 1, 1961, and May 26, 1961.

Applicant proposes to sell natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale and to transport natural gas in interstate commerce by means of certain natural gas facilities proposed to be constructed and operated by Applicant. Temporary authorizations were issued to Applicant on July 15, 1960, March 31, 1961, and June 28, 1961. The gas involved will be purchased by Applicant from various producers at a base initial price of 14.0 cents per Mcf at 14.65 psia and will be produced from various fields in Live Oak County, Texas (Texas Railroad District No. 2). Permanent certificates were issued to 14 of the producer-sellers in Docket Nos. CI60-543 through CI60-556 by order issued in Paul F. Barnhart, et al., Docket No. G-13831, et al., on October 31, 1960, and temporary authorizations were issued to 4 others in Docket Nos. CI61-203, CI61-455, CI61-884, and CI61-905 on April 19, 1961, and July 10, 1961. United has constructed and is operating the facilities necessary to take the instant gas from Applicant under a budget-type certificate issued in United Gas Pipe Line Company, Docket No. G-18983, on November 9, 1959. Applicant proposes to sell the instant gas to United at 18.0 cents per Mcf at 14.65 psia. The facilities, estimated to cost \$750,000.00 will be financed by Applicant through the sale of securities to its parent corporation, Valley Gas Production, Inc.

Notice of the filing of Applicant's application together with its consolidation for hearing along with certain other applications not here relevant was issued on September 14, 1960, and published in the FEDERAL REGISTER on September 22, 1960 (25 F.R. 9125). This notice fixed October 4, 1960, as the last day for filing protests or petitions to intervene. The Public Service Commission of the State of New York filed a notice of intervention in the instant docket on September 29, 1960. By notice issued on October 12, 1960, and published in the FEDERAL REGISTER on October 19, 1960 (25 F.R. 9982), the application in the instant proceeding was severed for separate dis-

position from those with which it had theretofore been consolidated.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1547; Filed, Feb. 14, 1962;
8:47 a.m.]

DEPARTMENT OF LABOR**Wage and Hour Division****CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aynor Manufacturing Co., Inc., Aynor, S.C.; effective 1-15-62 to 1-14-63 (ladies' blouses, capri pants, shorts, and pedal pushers).

Biltmore Manufacturing Co., Asheville, N.C.; effective 1-11-62 to 1-10-63. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and children's sportswear, dungarees, slacks, pedal pushers, etc.).

Cherryvale Manufacturing Co., Cherryvale, Kans.; effective 1-10-62 to 1-9-63 (men's work clothing).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; effective 2-1-62 to 1-31-63 (men's pajamas).

Devil Dog Manufacturing Co., Inc., Mid-dlesex, N.C.; effective 1-12-62 to 1-11-63 (ladies' and children's playwear).

Dunhill Shirt Co., Lexington, Mo.; effective 1-12-62 to 1-11-63 (men's shirts).

Ely & Walker, Division of Burlington Ind., Inc., Yazoo City, Miss.; effective 1-8-62 to 1-7-63 (men's and boys' woven pajamas).

Huggins Garment Co., Inc., Donalds, S.C.; effective 1-29-62 to 1-28-63 (men's sport and utility shirts).

Huggins Garment Co., Inc., Due West, S.C.; effective 1-26-62 to 1-25-63 (men's sport and utility shirts).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo.; effective 1-15-62 to 1-15-63 (junior dresses).

McKenzie Pajama Corp., McKenzie, Tenn.; effective 1-17-62 to 1-16-63 (men's and boys' cotton pajamas and robes).

O'Brien Manufacturing Co., 2506 North General Bruce Drive, Temple, Tex.; effective 1-8-62 to 1-7-63 (men's and boys' semidress pants).

Powellville Pants Factory, Powellville, Md.; effective 1-27-62 to 1-26-63 (men's work pants; boys' work pants).

Russell Springs Manufacturing Corp., Russell Springs, Ky.; effective 1-11-62 to 1-10-63 (men's and boys' sport shirts, dress shirts).

Saluda Shirt Co., Inc., Saluda, S.C.; effective 1-8-62 to 1-7-63 (ladies' cotton blouses; men's sport shirts).

Smith Brothers Manufacturing Co., 524 Howard Street, Carthage, Mo.; effective 1-23-62 to 1-22-63 (denim jackets; denim blue jeans).

Smith Brothers Manufacturing Co., Neosho, Mo.; effective 1-23-62 to 1-22-63 (work and casual pants and ladies' jeans).

Smith Brothers Manufacturing Co., St. Joseph, Mo.; effective 1-23-62 to 1-22-63 (work jackets, coveralls, overalls, and work pants).

Smith Brothers Manufacturing Co., Webb City, Mo.; effective 1-23-62 to 1-22-63 (work shirts and ladies' blouses).

Levi Strauss and Co., 501 Travis Street, Wichita Falls, Tex.; effective 1-18-62 to 1-17-63 (men's and boys' waistband overalls).

Sturgis Clothing Co., Sixth and Main Streets, Sturgis, Ky.; effective 2-1-62 to 1-31-63 (men's single pants).

Tennessee Overall Co., Inc., 401 North Atlantic Street, Tullahoma, Tenn.; effective 1-23-62 to 1-22-63 (men's pants).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration date and the number of learners authorized is indicated.

Smith Brothers Manufacturing Co., Lamar, Mo.; effective 1-23-62 to 1-22-63; 10 learners (men's and boys' dungarees; work jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Butler Garment Co., Butler, Pa.; effective 1-11-62 to 7-10-62; 85 learners (women's blouses and ladies' sportswear).

Chase City Manufacturing Co., Inc., Walker Street, Chase City, Va.; effective 12-26-61 to 6-25-62; 100 learners (men's and boys' dungarees and single pants).

Oberman Manufacturing Co., Arkadelphia, Ark.; effective 1-10-62 to 7-9-62; 50 learners (men's and boys' pants).

Levi Strauss and Co., Blue Ridge, Ga.; effective 1-9-62 to 7-8-62; 130 learners (boys' casual pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Mount Ida, Ark.; effective 1-22-62 to 1-21-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Auburn Hosiery Mills, Inc., Auburn, Ky.; effective 1-8-62 to 1-7-63; five learners for normal labor turnover purposes (full fashioned).

Ballet Hosiery Co., Wadesboro, N.C.; effective 1-21-62 to 1-20-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; effective 1-20-62 to 7-19-62; 50 learners for plant expansion purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; effective 1-20-62 to 1-19-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Durham Hosiery Mills, Plant No. 14, 109 South Corcoran Street, Durham, N.C.; effective 1-25-62 to 1-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned; seamless).

Grenada Industries, Inc., Grenada, Miss.; effective 1-25-62 to 1-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned; seamless).

Grenada Industries, Inc., Grenada, Miss.; effective 1-25-62 to 1-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned; seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Kingsboro Mills, Lafayette, Tenn.; effective 1-16-62 to 1-15-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Kingsboro Mills, McMinnville, Tenn.; effective 1-12-62 to 1-11-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's lingerie).

Van Raalte Co., Inc., Randolph, Vt.; effective 1-10-62 to 1-9-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Active Quilting Corp., R. 421 North Pennsylvania Avenue, Wilkes-Barre, Pa.; effective 1-15-62 to 7-14-62; five learners for normal labor turnover purposes in the occupation of quilting-machine operators, for a learning period of 320 hours at the rate of \$1.00 an hour (quilted products).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Albert De-Silva, Inc., 50 Munoz Rivera Avenue, Hato Rey, P.R.; effective 12-26-61 to 6-25-62; 108 learners for plant expansion purposes, in the occupations of millinery assembler, hand blocker, trimmer, paster, and finisher, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' hats).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 10-23-61 to 10-22-62; 15 learners for normal labor turnover purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (men's pajamas).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 10-23-61 to 4-22-62; 15 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (men's pajamas).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 11-3-61 to 10-22-62; 15 learners for normal labor turnover purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's pajamas) (replacement certificate).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 11-3-61 to 4-22-62; 15 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's pajamas) (replacement certificate).

Americana Manufacturing Co., Inc., Guayama, P.R.; effective 11-3-61 to 4-15-62; 150 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (girdles, corsets, brassieres, and allied garments) (replacement certificate).

Angela Manufacturing Co., Inc., Guayama, P.R.; effective 11-3-61 to 4-14-62; 17 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Antilles Electronics Corp., Centro Industrial Bo. Hato, San Lorenzo, P.R.; effective 12-7-61 to 6-6-62; 100 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: electronic and mechanical assembly and machine operations, for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours (tape recorders and related products).

Beatrice Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 10-24-61 to 10-23-62; 20 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Beatrice Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 11-3-61 to 10-23-62 in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., Mayaguez, P.R.; effective 11-3-61 to 3-19-62; 18 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., Malecon Road Plant, Mayaguez, P.R.; effective 11-3-61 to 3-19-62; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours

at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., Ponce, P.R.; effective 11-3-61 to 5-14-62; 25 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres and girdles) (replacement certificate).

Bonita, Inc., Cayey, P.R.; effective 11-3-61 to 3-14-62; 10 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Bonita, Inc., Industrial Ave., Cayey, P.R.; effective 11-3-61 to 3-28-62; 16 learners for normal labor turnover purposes, in the occupations of machine stitchers and pressers, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (swimwear) (replacement certificate).

Bra-Glo Manufacturing Co., Inc., Carolina, P.R.; effective 11-3-61 to 10-1-62; 33 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres and corsets) (replacement certificate).

Bra-Glo Manufacturing Co., Inc., Carolina, P.R.; effective 11-3-61 to 4-1-62; nine learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Caribe Princess, Inc., Humacao, P.R.; effective 11-3-61 to 5-14-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (women's underwear and sleepwear) (replacement certificate).

Caribe Staple Co., Fajardo, P.R.; effective 11-3-61 to 4-24-62; five learners for normal labor turnover purposes, in the single occupation of: (1) Machine operator and inspector, for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and \$1.01 an hour for the remaining 240 hours; (2) inspector and packer, for a learning period of 240 hours at the rate of 87 cents an hour (industrial staples) (replacement certificate).

Catex Corp., Salinas, P.R.; effective 11-3-61 to 7-31-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operators and final pressers, each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments and machine operations other than sewing machine, each for a learning period of 160 hours at the rate of 71 cents an hour (ladies' play shorts) (replacement certificate).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 10-22-61; to 4-21-62; 25 learners for plant expansion purposes, in the occupation of sewing machine

operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 11-3-61 to 4-21-62; 25 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 11-3-61 to 4-21-62; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Central Products Co., Mayaguez, P.R.; effective 11-3-61 to 5-14-62; five learners for normal labor turnover purposes, in the occupations of power press and pull-in operator, quality control (gage reader), final inspector, hi-speed hammer operator, cord winder, painter, and assembly chalk line marker, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and \$1.01 an hour for the remaining 240 hours (measuring tape and chalk line marker) (replacement certificate).

Clairtex Corp. of Puerto Rico, Villa Prades Industrial Dev., Rio Piedras, P.R.; effective 11-15-61 to 11-14-62; five learners for normal labor turnover purposes, in the occupations of photocell assembler, inspector and tester, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and \$1.04 an hour for the remaining 240 hours (photoelectric cells).

Columbia Manufacturing Co., San Lorenzo, P.R.; effective 11-3-61 to 8-7-62; 10 learners for normal labor turnover purposes, in the occupations of straightening, sand blasting, washing, degreasing, point grinding centerless grinding, slot and fin milling, thread rolling, induction brazing, inspecting, heat treating, stamping and cylindrical grinding, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and \$1.01 an hour for the remaining 240 hours (metal cutting tools) (replacement certificate).

Complex Undergarment Corp., Coamo, P.R.; effective 11-3-61 to 2-5-62; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies underwear) (replacement certificate).

Contours, Inc., Caguas, P.R.; effective 11-27-61 to 11-26-62; five learners for normal labor turnover purposes, in the occupations of: (1) Cup cutter, sprayer, and presser, each for a learning period of 240 hours at the rate of 81 cents an hour; (2) die and clicker machine operator, for a learning period of 160 hours at the rate of 81 cents an hour (bust pads).

Contours, Inc., Caguas, P.R.; effective 11-27-61 to 5-26-62; 10 learners for plant expansion purposes, in the occupations of: (1) Cup cutter, sprayer, and presser, each for a learning period of 240 hours at the rate of 81 cents an hour; (2) die and clicker machine operator, for a learning period of 160 hours at the rate of 81 cents an hour (bust pads).

Corozal Knitting Mills, Inc., Corozal, P.R.; effective 11-3-61 to 10-1-62; 33 learners for normal labor turnover purposes, in the occupations of knitting, finger closing, and machine stitching, each for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (knitted gloves and mittens) (replacement certificate).

Debmarr Corp., Canovanas, P.R.; effective 11-3-61 to 4-1-62; 31 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Debmarr Corp., Canovanas, P.R.; effective 11-3-61 to 10-1-62; 16 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 11-3-61 to 2-6-62; seven learners for plant expansion purposes, in the occupations of moulder, carder, driller, and heater operator, each for a learning period of 240 hours at the rate of 87 cents an hour (artificial teeth) (replacement certificate).

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 11-3-61 to 8-6-62; five learners for normal labor turnover purposes, in the occupations of moulder, carder, driller, and heater operator, each for a learning period of 240 hours at the rate of 87 cents an hour (artificial teeth) (replacement certificate).

Juana Diaz Co., Inc., Ponce, P.R.; effective 11-3-61 to 3-31-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (girdles) (replacement certificate).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 11-3-61 to 8-13-62; 14 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 11-3-61 to 4-22-62; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Electronic Mica Co., Inc., 300 Tapia Street, Santurce, P.R.; effective 12-1-61 to 5-31-62; eight learners for plant expansion purposes, in the occupations of: (1) Punch press and mica gauge operator, and finished mica sorter, each for a learning period of 240 hours at the rate of 72 cents an hour; (2) raw mica sorter for a learning period of 160 hours at the rate of 72 cents an hour (mica products).

Electronic Mica Co., Inc., 300 Tapia Street, Santurce, P.R.; effective 12-1-61 to 11-30-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Punch press and mica gauge operator, and finished mica sorter, each for a learning period of 240 hours at the rate of 72 cents an hour; (2) raw mica sorter for a learning period of 100 hours at the rate of 72 cents an hour (mica products).

El Finale, Inc., Caguas, P.R.; effective 11-20-61 to 5-19-62; 20 learners for plant expansion purposes, in the occupation of: (1) Machine stitcher for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 62 cents an hour (fabric and leather gloves).

Emily, Inc., Adjuntas, P.R.; effective 11-3-61 to 2-7-62; 11 learners for normal labor

turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Essex, Inc., Hato Rey, P.R.; effective 11-3-61 to 6-18-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (skirts) (replacement certificate).

Flamingo Brassieres, Inc., 513 Carolina Street, Hato Rey, P.R.; effective 11-3-61 to 3-5-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

General Electric Switchgear, Inc., Palmer, P.R.; effective 11-3-61 to 8-6-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Punch press, screw machine and milling machine operator, welder and female and male assembler, class 3, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and \$1.04 an hour for the remaining 240 hours; (2) drill press and miscellaneous machine operator, machine setup man, and female assembler, class 2, each for a learning period of 240 hours at the rate of 92 cents an hour (electrical products) (replacement certificate).

General Electric Instrument Corp., Caguas, P.R.; effective 11-3-61 to 5-23-62; 30 learners for normal labor turnover purposes, in the occupations of assembler, solderer (general), spring solderer, inspector, repair operator, and balancer, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and \$1.04 an hour for the remaining 240 hours (electric instruments) (replacement certificate).

Gibson Caribe, Inc., Luquillo, P.R.; effective 11-28-61 to 11-27-62; five learners for normal labor turnover purposes, in the single occupation of: Powder metal quality analyst, furnace, stokes press and powder press operator, rivet machine, milling machine operator, sander, lathe and punch press operator, powder mixer, assembly, and drill press operator for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and \$1.04 an hour for the remaining 240 hours (electrical contacts).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 11-3-61 to 6-15-62; 18 learners for normal labor turnover purposes, in the occupations of: (1) Knitter, topper, and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, presser, hand sewing, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours; (3) winder for a learning period of 240 hours at the rate of 78 cents an hour (full-fashioned sweaters) (replacement certificate).

Gordonshire Knitting Mills, Inc., Cayey, P.R.; effective 11-3-61 to 2-28-62; 50 learners for normal labor turnover purposes, in the occupations of: (1) Sweater looper and knitter, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher (seaming) for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for

the remaining 160 hours (sweaters) (replacement certificate).

Granada Mills, Inc., Caguas, P.R.; effective 11-3-61 to 6-26-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' panties and slips) (replacement certificate).

Guantes de Ponce, 53 Luna Street (Altos), Ponce, P.R.; effective 12-1-61 to 5-31-62; 60 learners for plant expansion purposes, in the occupations of: (1) Machine stitcher and layer off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator, each for a learning period of 160 hours at the rate of 62 cents an hour (gloves).

Haddon Corp., Sabana Grande, P.R.; effective 11-3-61 to 2-28-62; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (children's play togs) (replacement certificate).

Hats, Inc., 106 Padial Street, Caguas, P.R.; effective 11-20-61 to 5-19-62; 50 learners for plant expansion purposes, in the occupation of hand crocheting of hats for a learning period of 320 hours at the rates of 55 cents an hour for the first 160 hours and 62 cents an hour for the remaining 160 hours (hats).

International Shoe Corp., of Puerto Rico and/or Island Shoe Co., and Manati Shoe Co., Manati, P.R.; effective 11-26-61 to 2-12-62; 67 learners for normal labor turnover purposes, in any productive factory occupation, except: Edge setting or trimming; Goodyear or McKay stitching; top stitching, lasting (except slip lasting); cement-process sole attaching, treeing, upper leather cutting (except lining or trim), vamping, hand fitting of wood heels, insole or outsole bagger; outsole catcher; channel lipwetter, floorboy or floorgirl, insole presser, rack changer, shover or pusher; sock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 65 cents an hour for the remaining 240 hours (shoes) (replacement certificate).

Island Knitting Mills, Inc., San Lorenzo, P.R.; effective 11-3-61 to 3-16-62; five learners for normal labor turnover purposes, in the occupations of: (1) Looper, knitter, and topper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and mender, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sport and polo shirts and sweaters) (replacement certificate).

Janrico, Inc., Rincon, P.R.; effective 11-3-61 to 6-19-62; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Evelyn Judith Products, Inc., Corozal, P.R.; effective 11-3-61 to 4-19-62; five learners for normal labor turnover purposes, in the occupation of machine stitcher (P. K. and Osann leather palm sewing) for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (knitted gloves) (replacement certificate).

Lady Lillian Inc., Maunabo, P.R.; effective 11-3-61 to 7-31-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning

period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear) (replacement certificate).

La Torre Co., Inc., Aibonito, P.R.; effective 11-3-61 to 7-31-62; 34 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear, and shoulder straps) (replacement certificate).

La Torre Co., Inc., Aibonito, P.R.; effective 11-15-61 to 5-14-62; 100 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear, and shoulder straps).

Linda Uniforms, Inc., Cidra, P.R.; effective 11-3-61 to 3-24-62; 70 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' dresses) (replacement certificate).

Mansco International Corp., Guayama, P.R.; effective 11-15-61 to 11-14-62; 10 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) machine operations other than sewing machine: Gripper setting, marking and packing, each for a learning period of 160 hours at the rate of 65 cents an hour (men's underwear).

Mansco International Corp., Guayama, P.R.; effective 11-15-61 to 5-14-62; 48 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) machine operations other than sewing machine: Gripper, marker, and packer, each for a learning period of 160 hours at the rate of 65 cents an hour (men's underwear).

Manuela Manufacturing Co., Inc., Naranjito, P.R.; effective 11-3-61 to 2-19-62; 10 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' sleeping gowns and pajamas).

Marcat, Inc., El Comandante Industrial Development, Rio Piedras, P.R.; effective 11-3-61 to 4-1-62; 20 learners for plant expansion purposes, in the occupations of assembler, gun mounts and inspector, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and \$1.04 an hour for the remaining 240 hours (assembly of television gun mounts) (replacement certificate).

Marcat, Inc., El Comandante Industrial Development, Rio Piedras, P.R.; effective 11-3-61 to 10-1-62; five learners for normal labor turnover purposes, in the occupations of assembler, gun mounts and inspector, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and \$1.04 an hour for the remaining 240 hours (assembly of television gun mounts) (replacement certificate).

Marita Mills, Inc., Bayamon, P.R.; effective 11-3-61 to 8-21-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Knitter, topper, looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and hand sewer, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160

hours and 92 cents an hour for the remaining 160 hours (full-fashioned knitted outerwear) (replacement certificate).

Miton Co., Inc., Albonito, P.R.; effective 11-16-61 to 11-15-62; 16 learners for normal labor turnover purposes, in the occupation of machine stitcher and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (ladies' gloves).

Northridge Knitting Mills, Inc., and/or Westone Knitting Mills, Inc., San German, P.R.; effective 11-24-61 to 11-23-62; 27 learners for normal labor turnover purposes, in the occupations of: (1) Knitter, topper and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (full-fashioned sweaters).

Ocean Knitwear Corp., Caguas, P.R.; effective 11-3-61 to 5-31-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (polo shirts and sport shirts) (replacement certificate).

Oxford, Inc., Hato Rey, P.R.; effective 11-3-61 to 6-18-62; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours (women's slacks and shirts) (replacement certificate).

Paradise Manufacturing, Inc., Gurabo, P.R.; effective 11-3-61 to 5-28-62; 12 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Playtex Caribe, Inc., Dorado, P.R.; effective 11-3-61 to 6-18-62; 16 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Princetta Lingerie, Inc., Inquillo, P.R.; effective 11-3-61 to 2-28-62; 25 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (panties) (replacement certificate).

Puerto Rico Industrial Manufacturing Corp., Manati, P.R.; effective 11-3-61 to 5-15-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 69 cents an hour for the first 240 hours and 81 cents an hour for the remaining 240 hours (men's work pants and shirts) (replacement certificate).

Puerto Rico Pin Co., Bayamon, P.R.; effective 11-3-61 to 3-17-62; 12 learners for plant expansion purposes, in the occupations of grinding machine tender and safety pin machine tender; cut-off machine tender, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and \$1.01 an hour for the remaining 240 hours (safety pins) (replacement certificate).

Rapid Electric Co. of Puerto Rico, Inc., Arecibo, P.R.; effective 12-1-61 to 5-31-62; five learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: Paint sprayer, circular shear operator, bending brake operator, notching press operator, band saw operator, spot welder, arc welder, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and \$1.01 an hour for the remaining 240 hours (steel cabinets for rectifiers and transformers).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; effective 11-3-61 to 9-27-62; 10 learners for normal labor turnover purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's shorts) (replacement certificate).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; effective 11-3-61 to 3-27-62; 22 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's shorts) (replacement certificate).

Savage Arms, Inc., Star Route No. 55—Minnillas, Bayamon, P.R.; effective 11-3-61 to 8-24-62; 10 learners for normal labor turnover purposes, in the occupations of machine operator, finisher and final assembler, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and \$1.01 an hour for the remaining 240 hours (firearms) (replacement certificate).

Simplex Precast Industries, Inc., Bayamon, P.R.; effective 11-3-61 to 3-31-62; five learners for normal labor turnover purposes, in the single occupation of basic hand and/or machine production operations: dryer-kiln operator, polisher (surface finisher), grinder operator, batcher mixers operator and sorter, each for a learning period of 320 hours at the rates of 87 cents an hour for the first 160 hours and \$1.01 an hour for the remaining 160 hours (terrazzo tile) (replacement certificate).

Sportee Corp. of America, Ponce, P.R.; effective 11-3-61 to 2-13-62; 11 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of: (1) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's polo shirts, and infants' creepers and cardigans; (2) 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours in the manufacture of boys' polo shirts, and ladies' and girls' outerwear; (3) 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours in the manufacture of children's, girls', and ladies' pants (products as listed herein) (replacement certificate).

Sportee Corp. of America, Ponce, P.R.; effective 11-3-61 to 8-13-62; 19 learners for normal labor turnover purposes in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of: (1) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's polo shirts, and infants' creepers and cardigans; (2) 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours in the manufacture of boys' polo shirts; (3) 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours in the manufacture of ladies and girls' outerwear; (4) 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours in the manufacture of children's, girls', and ladies' pants (products as listed herein) (replacement certificate).

Star Kist Caribe, Inc., Mayaguez, P.R.; effective 11-3-61 to 2-14-62; 48 learners for normal labor turnover purposes, in the occupations of tuna fish cleaning and packing, each for a learning period of 160 hours at the rates of 87 cents an hour for the first 80 hours and \$1.01 an hour for the remaining 80 hours (canned tuna fish and byproducts) (replacement certificate).

Superior Embroidery Co., Inc., No. 33 Dr. Felix Tio Street, Sabana Grande, P.R.; effective 11-3-61 to 2-27-62; 10 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 65 cents for the first 160 hours and 76 cents an hour for the remaining 80 hours (applique embroidery on panels) (replacement certificate).

Superior Embroidery Company, Inc., No. 33 Dr. Felix Tio Street, Sabana Grande, P.R.; effective 11-3-61 to 8-27-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operating for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 65 cents an hour for the first 160 hours and 76 cents an hour for the remaining 80 hours (applique embroidery on panels) (replacement certificate).

Tedros Corp., Carolina, P.R.; effective 11-3-61 to 10-1-62; 12 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Tedros Corp., Carolina, P.R.; effective 11-3-61 to 4-1-62; 38 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Transducer Corp., Luquillo, P.R.; effective 11-3-61 to 2-14-62; five learners for normal labor turnover purposes, in the occupations of assembly of magnetic head, core maker, coil maker, tester, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and \$1.04 an hour for the remaining 240 hours (multichannel magnetic record heads and midjet proximity impulse generators) (replacement certificate).

Trimtex Corp., Bo. Palmarejo Road, Coamo, P.R.; effective 11-20-61 to 5-19-62; 45 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear).

United Corp., Cabo Rojo, P.R.; effective 12-20-61 to 2-28-62; 69 learners for plant expansion purposes, in the occupations of: (1) Machine stitcher and layer off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator each for a learning period of 160 hours at the rate of 62 cents an hour (leather gloves).

Valley Sportswear, Inc., Coamo, P.R.; effective 11-3-61 to 9-17-62; five learners for normal labor turnover purposes, in the oc-

cupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 72 cents an hour (skirts) (replacement certificate).

Valley Sportswear, Inc., Coamo, P.R.; effective 11-3-61 to 3-17-62; 10 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 72 cents an hour (skirts) (replacement certificate).

Wilida, Inc., Road No. 11, Km. 67.0, Pueblo Norte, Juana Diaz, P.R.; effective 11-3-61 to 2-10-62; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (swim suits) (replacement certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 8th day of February 1962.

ROBERT G. GRONEWALD,
*Authorized Representative
of the Administrator.*

[F.R. Doc. 62-1528; Filed, Feb. 14, 1962;
8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ADELE EXNER

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Adele Exner, Wienerstrasse 39a, Vienna 23, Mauer, Austria; Claim No. 40089, Vesting Order No. 6215; \$174.60 in the Treasury of the United States.

Executed at Washington, D.C., on February 8, 1962.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
*Deputy Director,
Office of Alien Property.*

[F.R. Doc. 62-1560; Filed, Feb. 14, 1962;
8:48 a.m.]

ALFRED VON ZEERLEDER

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alfred von Zeerleder, Niederhofenrain 33, Zollikon ZH, Switzerland; Claim No. 6878; \$11.72 in the Treasury of the United States. Eighteen and five-hundredths per cent (18.05%) of all royalties payable or to become payable to the Attorney General of the United States for the republication of the book entitled "Handbuch der Technischen Elektrochemie, Volume III, pages 209-413, Chapter on Aluminum by Alfred von Zeerleder, vested by the Alien Property Custodian under Vesting Order 500A-74 (9 F.R. 7784, July 12, 1944).

Executed at Washington, D.C., on February 9, 1962.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
*Deputy Director,
Office of Alien Property.*

[F.R. Doc. 62-1562; Filed, Feb. 14, 1962;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 595]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 12, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64498. By order of February 7, 1962, the Transfer Board approved the transfer to Edward P. Hayes, Sr., Thomas F. Hayes, John D. Hayes, and Edward P. Hayes, Jr., a partnership, doing business as Edward P. Hayes & Sons, West Hartford, Conn., of Certificate No. MC 113863 issued June 10, 1953, to Leslie W. Stevenson, doing business as Tobacco Valley Stages, North Granby, Conn., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, over a regular route, between Hartford, Conn., and Granby, Conn., with service to and from all intermediate points. Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn., attorney for applicants.

No. MC-FC 64675. By order of February 2, 1962, the Transfer Board approved the transfer to Noble Graham, Brimley, Mich., of Certificate in No. MC 107162 Sub 1, issued July 24, 1961, to Noble Graham, Charles Graham, Kenneth Graham, Donald Graham, and Peter Graham, a partnership, doing business as Noble Graham & Sons, Brimley, Mich., authorizing the transportation of: Lumber, logs, evergreens, pulpwood and wooden posts, piling and spars, from points in the upper peninsula of Michigan, to points in Wisconsin; dry asphalt and black topping material, in bulk, from points in Marathon County, Wis., to points in the upper peninsula of Michigan; lumber, from Eagle River, Wis., and points in Wisconsin within 50 miles of Eagle River to points in the upper peninsula of Michigan; cinder blocks, concrete blocks, and brick, from site of F. Hurlbut Company Plant at Green Bay, Wis., to points in the upper peninsula of Michigan; agricultural lime and lime products, in bags, from Mayville and Rockwood, Wis., to points in the upper peninsula of Michigan; fertilizer and fertilizer ingredients, from Antigo, Cameron, Green Bay, Prairie du Chien, Whitewater, Madison, Hillsboro and Stevens Point, Wis., to points in the upper peninsula of Michigan; treated wood products, consisting of railroad ties, posts, poles, piling, timbers and rough lumber, from Superior and Plain, Wis., to points in the upper peninsula of Michigan. Michael D. O'Hara, Spies Building, Menominee, Mich., attorney for applicants.

No. MC-FC 64682. By order of February 2, 1962, the Transfer Board approved the transfer to Bolger Trucking Company, Inc., South Bend, Ind., of Permit No. MC 60153, issued April 15, 1943, to Hazel H. Bolger, doing business as Bolger Trucking Company, Michigan City, Ind., authorizing the transportation of: Prepared foods, soft drinks, powdered and concentrate, and advertising matter for the above commodities, over regular routes, between Chicago, Ill., and South Bend, Ind., and Freeport, Ill. Dale C. Dillon, Todd & Dillon, 1825 Jefferson Place NW., Washington 6, D.C., attorney for applicants.

No. MC-FC 64702. By order of February 7, 1962, the Transfer Board approved the transfer to J. T. McCamy Tar

and Tar Products Co., a corporation, Lincoln Park, Mich., of Permits Nos. MC 47053 and MC 47053 Sub 6, issued June 29, 1949 and April 29, 1953, respectively, to Scovena Cartage Company, a corporation, Detroit, Mich., authorizing the transportation of: Tar and tar products, in tank trucks, over irregular routes, between Detroit and Wyandotte, Mich., on the one hand, and, on the other, points in Ohio; between Toledo, Ohio, on the one hand, and, on the other, points in Michigan, except those west of U.S. Highway 131; and between Cleveland, Youngstown, Columbus and Cincinnati, Ohio, on the one hand, and, on the other, points in Michigan; and liquid refractory foundry coatings having a mica base, in bulk, in tank vehicles, over irregular routes, from Detroit, Mich., to points in Illinois, Indiana, Ohio, Pennsylvania, and West Virginia. William B. Elmer, 1800 Buhl Building, Detroit 26, Mich., attorney for applicants.

No. MC-FC 64727. By order of February 6, 1962, the Transfer Board approved the transfer to Hazel Mildred Smith, Hamilton, Ohio; of Permits Nos. MC 80265 and MC 80265 Sub 1, issued July 2, 1941 and January 7, 1939, respectively, to Albert L. Smith, Hamilton, Ohio; authorizing the transportation of: Finished paper and paper products, scrap paper, steel strapping, and materials and supplies, used in the manufacture and shipping of paper and paper products, from, to, or between specified points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Missouri, Pennsylvania, and New York. E. F. Streib, Fourth at Race, Cincinnati 2, Ohio, representative for applicants.

No. MC-FC 64773. By order of February 7, 1962, the Transfer Board approved the transfer to Paul J. Miller of Orefield, Pa., of a portion of Certificates Nos. MC 18869, MC 18869 Sub 2, MC 18869 Sub 6, and MC 18869 Sub 7, issued

May 29, 1941, November 10, 1941, August 12, 1948, and July 18, 1950, respectively, to Charles Krinvic and George Krinvic, a partnership, doing business as Krinvic Brothers, Willow Grove, Pa., authorizing the transportation of poultry and animal feeding materials, over irregular routes, from Philadelphia, Pa., to Utica, Oneonta, Waverly, and Big Flats, N.Y.; crab meal, from Honga, Md., to Spencer and Candor, N.Y.; and from Marion, Md., to Philadelphia and Temple, Pa., Jewett City, Conn., and Spencer, N.Y.; and animal and poultry feed and fish meal, from Philadelphia, Pa., to Waverly, N.Y. Albert E. Enoch, 556 Main Street, Bethlehem, Pa., representative for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.[F.R. Doc. 62-1558; Filed, Feb. 14, 1962;
8:48 a.m.]

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